



National Resource Center on Homelessness and Mental Illness

Legal Issues

December 2003

*Resources listed herein are a selection of materials available on this topic. Many are available from your local library or inter-library loan. Unless otherwise noted, all other materials are available from the National Resource Center on Homelessness and Mental Illness. Photocopying charges are \$.10 per page; make checks payable to **Policy Research Associates, Inc.** If you have difficulty locating any of the materials listed in this bibliography, please contact the Resource Center at the phone number or e-mail address below.*

Table of Contents

Americans with Disabilities Act (ADA), Reasonable Accommodations.....	1
Anti-Homeless Ordinances, Criminalization.....	13
Fair Housing, Zoning Issues, NIMBY.....	19
General Legal and Policy Issues.....	38

Legal Issues

Section: Americans with Disabilities Act (ADA), Reasonable Accommodations

Order #: 6727

Authors: ADA Division, Equal Employment Opportunity Commission.

Title: EEOC Enforcement Guidance on the Americans with Disabilities Act and Psychiatric Disabilities.

Source: Washington, DC: ADA Division, Office of Legal Counsel, Equal Employment Opportunity Commission, 1997. (Guide: 26 pages)

Abstract: This enforcement guidance explains the EEOC interpretation of the application of Title I of the Americans with Disabilities Act of 1990 to individuals with psychiatric disabilities. This guide is designed to facilitate the full enforcement of the ADA with respect to individuals alleging employment discrimination based on psychiatric disability; respond to questions and concerns expressed by individuals with psychiatric disabilities regarding the ADA; and answer questions posed by employers about how principles of ADA analysis apply in the context of psychiatric disabilities. Topics include: the definition of a psychiatric disability under the ADA; disclosure of a disability; requesting reasonable accommodation; selected types of reasonable accommodation; conduct; direct threat; and professional licensing.

Available From: U.S. Equal Employment Opportunity Commission, Publication Distribution Center, P.O. Box 12549, Cincinnati, OH 45212, (800) 669-3362, www.eeoc.gov/teledir.html.

Order #: 3962

Authors: Allen, J.B.

Title: Don't Judge A Book By It's Cover: Qualified Employees under the ADA.

Source: The Journal 6(4): 29-30, 1995. (Journal Article: 2 pages)

Abstract: The author points out that although many people may agree and understand the types of accommodations that can be used for individuals who have psychiatric disabilities under the American's with Disabilities Act (ADA), these accommodations are meaningless if individuals with psychiatric disabilities are believed to be unemployable because of their illness. In order to overcome this obstacle, the author contends that it is necessary to change the perception concerning persons with psychiatric disabilities in the workplace, so employment possibilities can be created for them.

Order #: 3974

Authors: Barry, P.

Title: Greasin' All Those Wheels.

Source: The Journal 6(4): 31-32, 1995. (Journal Article: 2 pages)

Abstract: This article addresses the "reasonable accommodation" clause of the American's with Disabilities Act (ADA) of 1990. The author recognizes that employers are often under the impression that the only important issue of making reasonable accommodations is addressing the needs for individuals with physical disabilities. However, these individuals may not be the only ones in need of accommodation. Recommendations are provided that suggest mental health professionals need to take a more active role in their clients needs, for example, accompanying consumers to work the first day or calling them at home the night before they start.

Legal Issues

Section: Americans with Disabilities Act (ADA), Reasonable Accommodations

Order #: 6802

Authors: Burgdorf, R.L.

Title: **Equal Members of the Community: The Public Accommodations Provisions of the Americans with Disabilities Act.**

Source: Temple Law Review 64: 551-581, 1991. (Journal Article: 30 pages)

Abstract: This article traces the purposes and origins of the public accommodations provisions of the Americans with Disabilities Act (ADA), outlines the major legal concepts contained in these provisions, and examines the case law, legislative background, and other authorities that will guide the provisions' interpretation and application. Other topics discussed include: extent and impact of discrimination in public accommodations on the basis of disability; scope of public accommodations covered by the ADA; ADA requirements regarding public accommodations; new construction and alterations; precedents and experience providing guidance for the implementation of ADA public accommodations requirements; standards, guidelines, and technical assistance regarding accessibility of public accommodations; deference to the needs of small businesses; and the fruits of public accommodations access requirements.

Order #: 3966

Authors: Carringer, L.M.

Title: **Discarded People.**

Source: The Journal 6(4): 49-50, 1995. (Journal Article: 2 pages)

Abstract: The author describes her personal experience of what happened to her career when she developed a mental disability and fell into a depression. Her supportive boss left the company, and was replaced with a person who did not implement reasonable accommodations as necessary under the American's with Disabilities Act (ADA). This situation resulted in the author losing her position.

Order #: 7009

Authors: Center for Psychiatric Rehabilitation.

Title: **ADA and Reasonable Accommodations.**

Source: Boston, MA: Community Support and Network News 12(1): Summer/Fall 1997. (Newsletter: 19 pages)

Abstract: This newsletter is an entire issue devoted to the ADA and reasonable workplace accommodations for people with psychiatric disabilities. The issue presents findings from a 1993 study that examined employment outcomes and characteristics of individuals receiving workplace accommodations through supported employment programs. Types of accommodations most frequently used and limitations accommodated were discussed and as well as implications of the findings for supported employment providers. Also in this issue: The EEOC and the ADA's reasonable accommodation mandate, the dilemma of disclosure, developing and maintaining employer relationships, employers as partners in the creation of reasonable accommodations, a consumer/survivor perspective, mediation of ADA disputes, and resource materials and services.

Available From: Boston University Center for Psychiatric Rehabilitation, 940 Commonwealth Avenue West, Boston, MA 02215, (617) 353-3549, www.bu.edu/cpr.

Legal Issues

Section: Americans with Disabilities Act (ADA), Reasonable Accommodations

Order #: 3969

Authors: Fisher, D.B.

Title: Disclosure, Discrimination, and the ADA.

Source: The Journal 6(4): 55, 1995. (Journal Article: 1 page)

Abstract: According to the author, the very existence of "disclosure," suggests that there is a problem with discrimination against people who have mental disabilities. The author discusses his personal experience with disclosure being a medical student, and a psychiatric resident. He explains that a person's freedom to disclose is also contingent upon their power, status, and position. Also discussed is the fact that under the American's with Disabilities Act (ADA), in order to receive reasonable accommodations, the worker must disclose to his or her supervisor.

Order #: 3957

Authors: Flynn, B.G.

Title: Violence, Mental Illness and Reasonable Accommodation in the Workplace.

Source: The Journal 6(4): 13-16, 1995. (Journal Article: 4 pages)

Abstract: This article consists of a few lessons gleaned from the Ninth Annual Washington Business Group on Health, Disability Management Conference held October 22-24, 1995 which featured a pre-conference workshop for employers on making reasonable accommodations for employees with psychiatric disabilities as specified under the American's with Disabilities Act (ADA). The sessions contributed a great deal to employers' understanding of how to manage and accommodate employees who have mental illness. Some important points made include: not every difficult person in the workplace is mentally ill; not every violent incident involves a person who is mentally ill; not every threat is violent; not every person who has mental illness needs accommodation; and not everyone needs to know why or how accommodations are being made (author).

Order #: 3959

Authors: Giliberti, M.T.

Title: Implementation of the Reasonable Accommodation Provisions of the ADA by the EEOC and the Courts

Source: The Journal 6(4): 19-20, 1995. (Journal Article: 2 pages)

Abstract: The author defines what "reasonable accommodations," in the workplace is as specified under the American's with Disabilities Act (ADA). Such accommodations include: restructuring a job by re-allocating marginal job duties; altering when or how the duties get accomplished; part time or modified work schedule; changing examinations, training materials or policies; reassignment to a vacant position; and permitting use of accrued leave for treatment. The Equal Employment Opportunity Commission (EEOC), is examined in reference to several court cases. The author concludes that attorneys, advocates and plaintiffs need to work together to educate the judiciary system in order to properly implement the ADA.

Order #: 1963

Authors: Gostin, L.O.

Title: The Americans With Disabilities Act and the U.S. Health System.

Source: Health Affairs 11(3): 248-257, 1992. (Journal Article: 10 pages)

Abstract: In this report, the author examines three areas of impact the Americans With Disabilities Act (ADA) will have on the health care system. First the article discusses how the Act affects the clinical freedom of health care professionals to choose whom they will treat. Second, it explains how the ADA significantly limits the ability of employers to require medical testing and medical examination (author).

Legal Issues

Section: Americans with Disabilities Act (ADA), Reasonable Accommodations

Order #: 2194

Authors: Haggard, L.K.

Title: Reasonable Accommodation of Individuals with Mental Disabilities and Psychoactive Substance Use Disorders Under Title I of the Americans with Disabilities Act.

Source: Journal of Urban and Contemporary Law 43: 343-390, 1993. (Journal Article: 48 pages)

Abstract: This article delineates an employer's duty to accommodate individuals with mental disabilities and substance use disorders who are current or potential employees. The author first reviews the elements of a plaintiff's claim, as well as an employer's defenses, under the Americans Disabilities Act (ADA). Part I also compares and contrasts the ADA with the Federal Rehabilitation Act of 1973. Part II reviews an employer's obligation under both the Rehabilitation Act and the ADA to accommodate persons with mental disabilities and presents two illustrative case studies. Part III examines the ADA's approach to psychoactive substance use disorders, which departs considerably from the treatment of substance use problems under the Rehabilitation Act also using two case studies (author).

Order #: 6810

Authors: Hamilton, J.L.

Title: New Protections for Persons With Mental Illness in the Workplace Under the Americans With Disabilities Act of 1990.

Source: Cleveland State Law Review 40(35): 63-100, 1992. (Journal Article: 37 pages)

Abstract: The author explains that the issue of employment of people who have mental illness has become increasingly critical over the last decade as the general trend of deinstitutionalization has resulted in greater numbers of individuals with mental illness being maintained in the community, while at the same time government benefits have failed to keep pace with inflation. This article analyzes the potential impact the Americans with Disabilities Act will have on this problem of employment discrimination against individuals disabled by mental illness.

Order #: 6890

Authors: Jones, C.A.

Title: Legislative 'Subterfuge?': Failing to Insure Persons with Mental Illness Under the Mental Health Parity Act and the Americans with Disabilities Act.

Source: Vanderbilt Law Review 50(3): 753-793, 1997. (Journal Article: 41 pages)

Abstract: This article analyzes the federal protections or lack thereof extended to private mental health insurance benefits under the Mental Health Parity Act (MHPA) and the Americans With Disabilities Act (ADA). The author discusses the limited impact the MHPA has on the ability of those suffering from mental illness to secure private insurance benefits. The article also considers the ADA as a viable source of relief, and potential legislative initiatives that would provide persons with mental illness greater access to private health insurance funds. The author concludes with a brief discussion of managed mental health care and the parity issues it raises.

Legal Issues

Section: Americans with Disabilities Act (ADA), Reasonable Accommodations

Order #: 3963

Authors: MacDonald-Wilson, K.

Title: **Personal Experiences: Negotiating Reasonable Accommodations.**

Source: The Journal 6(4): 35-37, 1995. (Journal Article: 3 pages)

Abstract: The author explains that regardless of all the education, technical assistance, and regulations concerning the Americans with Disabilities Act (ADA), what is missing is a more personal understanding of the complex experiences of employees with psychiatric disabilities, the people who employ them, and the people who try to help the employee succeed when they attempt to develop reasonable accommodations in the workplace. Various personal accounts are described, and the relationship between supervisors and employees who need reasonable accommodations is examined.

Order #: 6719

Authors: Maffeo, P.A.

Title: **Making Non-Discriminatory Fitness-For-Duty Decisions About Persons With Disabilities Under the Rehabilitation Act and the Americans With Disabilities Act.**

Source: American Journal of Law and Medicine 16(3): 279-326, 1990. (Journal Article: 48 pages)

Abstract: This article describes an assessment role performed by clinical psychologists in the employment context, and examines how it has been evaluated by the courts from the standpoint of discrimination against persons with disabilities. Guidelines are offered for making fitness-for-duty decisions which are legally defensible, and examples of the decision-making process are provided. Data-based limitations on professional expertise are articulated, and conclusions drawn are aimed at practicing psychologists and the courts dealing with these uncertainties. Issues are analyzed principally in relation to the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA), which has been passed by both houses of Congress (author).

Order #: 3964

Authors: Maida, P.R.

Title: **Mediation and Reasonable Accommodations**

Source: The Journal 6(4): 38-39, 1995. (Journal Article: 2 pages)

Abstract: The author discusses how mediation can help mental health consumers negotiate reasonable accommodations, specified under the American's with Disabilities Act (ADA), to create a supportive work environment as well as to maintain steady employment. The benefits of mediation are reviewed including: (1) giving voice to people with disabilities; (2) provides a forum for people with mental disabilities and employers to meet and discuss how to resolve their disagreements in a collaborative way; (3) providing a context different from how society currently categorizes people for management purposes; and (4) creating a useful forum to assess the needs of all participants.

Order #: 3956

Authors: Mancuso, L.L.

Title: **ADA Fact or Fiction.**

Source: The Journal 6(4): 6-9, 1995. (Journal Article: 4 pages)

Abstract: The author describes a personal account of an experience she had calling in to a radio talk show concerning the American's with Disability Act (ADA). She explained her frustration and contends that the struggle to secure equal rights for people with disabilities did not end with the ADA but rather, it began there. Nondiscrimination protections for people with disabilities and prejudices that still exist are briefly examined.

Legal Issues

Section: Americans with Disabilities Act (ADA), Reasonable Accommodations

Order #: 2160

Authors: Mancuso, L.L.

Title: Case Studies On Reasonable Accommodations For Workers With Psychiatric Disabilities.

Source: Sacramento, CA: California Department of Mental Health, 1993. (Report: 85 pages)

Abstract: The purpose of this study is to document the employment experiences of 10 workers with psychiatric disabilities, including their use of workplace accommodations. Information was gathered through interviews of the workers and their supervisors, who described some potential risks and benefits of disclosure of psychiatric disability to an employer. The author identifies and labels several categories of accommodations: explicit accommodations, unilateral accommodations by the employer, self-accommodations and productivity accommodations. Accommodations included flexible schedules, modifications in work assignments, and other supervisory interventions. The employers tended to implement accommodations because they made good business sense rather than merely to comply with the law (author).

Available From: California Department of Mental Health, 1600 9th Street, Room 151, Sacramento, CA 95814, (800) 896-4042, www.dmh.cahwnet.gov.
Sacramento, CA 95814
Voice (800) 896-4042.

Order #: 1181

Authors: Mancuso, L.L.

Title: Reasonable Accommodation for Workers With Psychiatric Disabilities.

Source: Psychosocial Rehabilitation Journal 14(2): 3-19, 1990. (Journal Article: 17 pages)

Abstract: The provisions of the landmark Americans with Disabilities Act (ADA) of 1990 requires employers to make "reasonable accommodations" for workers with disabilities. This article explains the legal basis for reasonable accommodation and provides examples of how it may be applied to benefit workers with psychiatric disabilities (author).

Order #: 5800

Authors: Mancuso, L.L.

Title: People with Psychiatric Disabilities, Employment, and the Americans with Disabilities Act: Turning Policy into Practice.

Source: Rockville, MD: Center for Mental Health Services, 1995. (Report: 50 pages)

Abstract: This is a report of a two-day roundtable discussion. The discussion is organized into six major points: (1) Many groups at the local and national levels have responded creatively to employers' need for information about the ADA and workers with psychiatric disabilities; (2) disclosure, confidentiality, and reasonable accommodations are pivotal ADA issues for people with psychiatric disabilities and their employers; (3) there are significant differences in how the ADA is implemented in large corporations as compared to small businesses; (4) the perceived link between mental illness and violence continues to impact the employment of people with psychiatric disabilities; (5) tremendous gains in mutual understanding can be attained through face-to-face dialogue between consumers and employers; and (6) because it is still in the early stages of ADA implementation, and as with any civil rights law, it will take many years for the ADA to achieve its full potential.

Available From: SAMHSA's National Mental Health Information Center, PO Box 42490, Washington, DC 20015, (800) 789-2647, www.mentalhealth.samhsa.org, info@mentalhealth.org

Legal Issues

Section: Americans with Disabilities Act (ADA), Reasonable Accommodations

Order #: 3965

Authors: Marshall, A.N.

Title: **A Hope Not Yet Fulfilled: People With Psychiatric Disabilities And The ADA.**

Source: The Journal 6(4): 41-43, 1995. (Journal Article: 3 pages)

Abstract: Although the Americans with Disabilities Act (ADA) can remove barriers to access for people who have mental disabilities, there needs to be more outreach and training for people with psychiatric disabilities. There also needs to be more information and guidance for employers entrusted with enforcement and implementation of the Act. The author examines the relationships between persons who have mental disabilities, their employers, and their physicians. Findings show that often confidentiality is compromised, frustrating the efforts of the consumer to advocate for a mediating situation.

Order #: 1709

Authors: Mental Health Law Project.

Title: **Mental Health Consumers in the Workplace: How the Americans With Disabilities Act Protects You Against Employment Discrimination.**

Source: Washington, DC: Mental Health Law Project, 1992. (Guide: 40 pages)

Abstract: This handbook explains how the employment provisions of the Americans With Disabilities Act (ADA) (effective July 26, 1990) protects workers and job applicants who have -- or are seen as having -- mental or emotional problems. Written in non-technical terms, this handbook is designed to encourage consumers to exercise their own employment rights under the ADA. It includes full citations to the federal law and regulations as a resource and training tool for advocates and describes common employment practices that are now illegal because they discriminate against people with mental or physical disabilities (authors).

Available From: Bazelon Center for Mental Health Law, 1101 15th Street, NW, Suite 1212, Washington, DC 20005, (202) 467-5730, www.bazelon.org.

Order #: 3970

Authors: Monson, K.

Title: **On Display Without Accommodation.**

Source: The Journal 6(4): 44-48, 1995. (Journal Article: 5 pages)

Abstract: This is a personal account of an artist's experience of being denied reasonable accommodation as articulated in the American's with Disabilities Act (ADA), despite continuing a successful and thorough performance at her job. The author describes how flexibility at her workplace diminished as her illness became more apparent.

Order #: 3960

Authors: Moore, J.A.

Title: **Can the ADA Work for People with Mental Illness?**

Source: The Journal 6(4): 25-26, 1995. (Journal Article: 2 pages)

Abstract: The author describes what the passing of the American's with Disabilities Act (ADA) has done to change her life in terms of employment. She explains why she had never before disclosed her disability unless a hospital required it. She also describes the challenges of doing so.

Legal Issues

Section: Americans with Disabilities Act (ADA), Reasonable Accommodations

Order #: 12746

Authors: National Council on Disability.

Title: **Olmstead: Reclaiming Institutionalized Lives.**

Source: Washington, DC: National Council on Disability, 2003 (Report: 369 pages)

Abstract: In this report, the National Council on Disability (NCD) assesses the nation's response to the United States Supreme Court Decision in *Olmstead v. L.C.*, which states that the unjustified institutionalization of people with disabilities is a form of discrimination. NCD's research reports on the extent of unnecessary institutionalization in the United States, the continuing barriers to community placement, and resources and service models that facilitate community integration. The authors examine the Federal Government's implementation efforts and the strategies states and key stakeholders are using to develop consensus on a coordinated plan of action, identify and commit the necessary resources for community-based service options, and sustain collaborative action toward creating real choice for people with disabilities living in institutions (authors).

Available From: National Council on Disability, 1331 F Street, NW, Suite 850, Washington, DC 20004, (202) 272-2004, www.ncd.gov/newsroom/publications/reclaimlives.html.

Order #: 2397

Authors: Parry, J.

Title: **Mental Disabilities and the Americans with Disabilities Act: A Practitioner's Guide to Employment, Insurance, Treatment, Public Access, and Housing.**

Source: Washington, DC: American Bar Association, 1994. (Report: 116 pages)

Abstract: This guide provides an overview of the Americans with Disabilities Act (ADA) of 1990 aimed at educating lawyers, advocates, and other professionals who represent or serve people with mental disabilities. It discusses the ADA's implications for employment, insurance, treatment, professional licensing, court access, and housing. The guide also includes appendices describing mental disability terminology, prior federal disability law, summaries of major case decisions, a list of resources available nationwide, a table of cases, and a subject matter index (author).

Available From: American Bar Association, 740 15th Street, NW, Washington, DC 20005-1019, (202) 662-1000, w3.abanet.org/home.cfm.

Order #: 6792

Authors: Parry, J.W.

Title: **Mental Disabilities Under the ADA: A Difficult Path To Follow.**

Source: Mental and Physical Disability Law Reporter 17(1): 100-112, 1993. (Journal Article: 13 pages)

Abstract: This article focuses on ADA provisions that may affect people with mental disabilities differently than people with other disabilities. The following topics are covered: definition of mental disability; exclusions from coverage, including current illegal drug use; direct threat to health and safety; auxiliary aids and services; employment issues, including the definition of otherwise qualified, reasonable accommodation, and undue hardship; medications for mental impairments; medical exams and inquiries; workers' compensation; insurance; licenses, certificates, exams, and courses; and the right to refuse treatment (author).

Legal Issues

Section: Americans with Disabilities Act (ADA), Reasonable Accommodations

Order #: 2322

Authors: Perlin, M.L.

Title: Law and the Delivery of Mental Health Services in the Community.

Source: American Journal of Orthopsychiatry 64(2): 194-208, 1994. (Journal Article: 15 pages)

Abstract: This article examines the issues surrounding the right of individuals with mental disabilities to voluntary mental health services in community settings. The author reviews the case law, the social context in which the landmark cases arose, and the development of therapeutic jurisprudence, which refers to the tenuous legal balance between an individual's civil liberties and the state's responsibility to provide appropriate community treatment and support services. Some of the original deinstitutionalization litigation is discussed as well as the implications of the Americans With Disabilities Act passed in 1993. The author contends that the legal rights of mentally disabled people to community mental health services have deteriorated in recent years because of a series of Supreme Court decisions which effectively obstructed patients' lawyers from pressing such claims in federal court (author).

Order #: 3971

Authors: Perlin, M.L.

Title: Sanism and the ADA: Thinking About Attitudes.

Source: The Journal 6(4): 10-11, 1995. (Journal Article: 2 pages)

Abstract: The author contends that regardless of the breakthrough of the Americans with Disabilities Act (ADA), it cannot be effectively applied unless there is a concomitant change in public attitudes. Sanism is explained as an irrational prejudice more subtle but of the same character of other irrational prejudices. It causes and is reflected in prevailing social attitudes of racism, sexism, homophobia, and ethnic bigotry. Sanism is based predominantly upon stereotype, myth, superstition, and deindividualization, and is largely invisible but socially acceptable.

Order #: 2018

Authors: Ravid, R., Menon, S.

Title: Guidelines for Disclosure of Patient Information Under the Americans With Disabilities Act.

Source: Hospital and Community Psychiatry 44(3): 280-281, 1993. (Journal Article: 2 pages)

Abstract: This article briefly describes the Americans with Disabilities Act (ADA) of 1990 and how it relates to employment issues. Guidelines for disclosure of history, treatment, or diagnosis by a clinician are presented.

Order #: 3972

Authors: Sands, D.

Title: Reasonable Accommodation or Improbable Emancipation?

Source: The Journal 6(4): 21-22, 1995. (Journal Article: 2 pages)

Abstract: Reasonable accommodation as defined by the Americans with Disabilities Act (ADA) is any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to participate and to perform essential job functions. It also includes adjustments to assure that a qualified individual with a disability has rights and privileges in employment equal to those of employees without disabilities. In this article the author describes accommodations frequently seen in the workplace such as: time-off for therapy appointments; flexible time scheduling; unpaid leave when symptoms flare; family leave where available, and instructions clearly directed and provided in written form. The author also describes what reasonable accommodations in a child's classroom might include: preferential seating; a "buddy" who takes notes and provides the accommodated student a copy; time-out periods; shorter, quality homework assignments; training in anger control; and praising.

Legal Issues

Section: Americans with Disabilities Act (ADA), Reasonable Accommodations

Order #: 1598

Authors: Scallet, L.J., Rohrer C.F.

Title: Americans with Disabilities Act and Mental Health.

Source: Washington, DC: The Policy Resource Center, Inc., 1990. (Report: 13 pages)

Abstract: This paper summarizes the provisions of the Americans with Disabilities Act, [ADA], P.L. 101-336, provides background on issues that were raised and resolved during legislative consideration, and addresses key implications for individuals with mental illness and mental health problems (authors).

Order #: 12006

Authors: Stewart, A., Teitelbaum, J., Rosenbaum, S.

Title: CHCS Consumer Action Series: Implementing Community Integration: A Review of State Olmstead Plans.

Source: Lawrenceville, NJ: Center for Health Care Strategies, Inc., 2002. (Unpublished Paper: 43 pages)

Abstract: This working paper is the fifth in a series of reports that explores key policy issues arising from the United States Supreme Court's decision in *Olmstead v. L.C.*, which held that the medically unnecessary placement of individuals with disabilities in institutional settings violates the public services portion of the Americans with Disabilities Act (ADA). Specifically, this working paper examines how states have responded to the Court's suggestion regarding the development of comprehensive, effectively working plans for placing qualified persons with disabilities in less restrictive settings as a way of satisfying the ADA's "reasonable modifications" requirement. The authors begin with a brief overview of the reasonable modifications requirement and *Olmstead* decision, then describe the results of their review of several states' community integration plans, and conclude that the full implementation of the plans could allow additional numbers of qualified persons with disabilities to live in less restrictive settings (authors).

Available From: The Center for Health Care Strategies, P.O. Box 3469, Princeton, NJ 08543, (609) 895-8101, www.chcs.org.

Order #: 8436

Authors: Supreme Court of the United States.

Title: *Tommy Olmstead, Commissioner, Georgia Department of Human Resources, et al., v. L.C., by Jonathan Zimring, guardian ad litem and next friend, et al.*

Source: Washington, DC: Supreme Court of the United States, 1999. (Z-Other/Misc: 27 pages)

Abstract: This document contains the decision of the United States Supreme Court in the case *Olmstead v. L.C.* This case examined states' obligation to place persons with mental disabilities in community settings when appropriate under the Americans with Disabilities Act. The decision was in favor of the patients, finding that the state was required to place qualified patients in community settings.

Order #: 12834

Authors: Technical Assistance Collaborative.

Title: Accessible Housing for People with Disabilities.

Source: *Opening Doors* 10(1): 1-12, 2000. (Journal Article: 12 pages)

Abstract: This article discusses the history of the laws that affect accessibility modifications; the impact of these laws on tenants and owners; possible sources for funding accessibility modifications; and the role of the disability community in advocating for the enforcement of these laws. Creating homes with adaptable features or within the framework of universal design is suggested by the authors, as part of an effort to accommodate the needs of people with disabilities (authors).

Legal Issues

Section: Americans with Disabilities Act (ADA), Reasonable Accommodations

Order #: 6813

Authors: Thomas, A.B.

Title: **Beyond the Rehabilitation Act of 1973: Title II of the Americans with Disabilities Act.**

Source: New Mexico Law Review 22: 243-27, 1992. (Journal Article: 14 pages)

Abstract: Title II of the Americans with Disabilities Act (ADA) requires that the services, programs, or activities of a public entity be accessible to people with disabilities. The title has caused controversy in between state and local government entities, particularly those from smaller cities and towns. The author discusses programs and services with regard to the physical component in existing buildings, and with new construction or alterations. Also discussed is policy and procedural components, transportation, communications, and administrative requirements, remedies, and time periods. The author concludes that Title II is long overdue and that it is the responsibility of the public community to ensure compliance, or the ADA becomes meaningless.

Order #: 8405

Authors: United States Department of Health and Human Services.

Title: **Assuring Access to Community Living for the Disabled.**

Source: Washington, DC: U.S. Department of Health and Human Services Health Care Financing Administration Press Office, 2000. (Fact Sheet: 10 pages)

Abstract: On June 22, 1999, the U.S. Supreme Court affirmed the policy to assure access to community living for the disabled by ruling in *Olmstead v. L.C.* that under the Americans with Disabilities Act (ADA) unjustifiable institutionalization of a person with a disability who, with proper support, can live in the community is discrimination. In its ruling, the Court said that institutionalization severely limits the person's ability to interact with family and friends, to work, and to make a life for him or herself. This fact sheet discusses the *Olmstead* Decision, *Olmstead* and the Medicaid program, comprehensive and effective working plans, and the next steps for the U.S. Department of Health and Human Services.

Available From: U.S. Department of Health and Human Services, Health Care Financing Administration Press Office, 200 Independence Avenue SW, Washington, DC 20201, (202) 619-0257, www.hhs.gov.

Order #: 2493

Authors: United States Office of Technology Assessment.

Title: **Psychiatric Disabilities, Employment, and the Americans With Disabilities Act.**

Source: Washington, DC: U.S. Office of Technology Assessment, 1994. (Report: 130 pages)

Abstract: This study, conducted by the United States Office of Technology Assessment, evaluates current efforts under the Americans With Disabilities Act (ADA) of 1990 in the area of psychiatric disabilities and employment. The study has two major goals: to compare the ADA's employment provisions with what is known about mental disabilities; and to review federal activities relevant to the ADA, employment, and psychiatric disabilities. Findings indicate that 17,355 employment discrimination charges were filed with the United States Equal Employment Opportunity Commission (EEOC) during the first 15 months after the ADA went into effect. Ten percent of those charges related to mental disorders, and this percentage represents the second largest block of charges, as broken down by type of impairment. The authors contend that the numerous charges of discrimination involving mental disorders demonstrate the importance of the issue of employment to people with psychiatric disabilities (authors).

Available From: U.S. Office of Technology Assessment, www.otsa.princeton.edu/~ota/ns20/alpha_f.html.

Legal Issues

Section: Americans with Disabilities Act (ADA), Reasonable Accommodations

Order #: 2140

Authors: Zuckerman, D., Debenham, K., Moore, K.

Title: The ADA and People With Mental Illness: A Resource Manual For Employers.

Source: Washington, DC: American Bar Association and the National Mental Health Association, 1993. (Manual: 88 pages)

Abstract: The Americans with Disabilities Act (ADA), the first comprehensive federal civil rights law for people with mental and physical disabilities prohibits discrimination in employment, public transportation and other state and local government services, public accommodations and telecommunications. This manual provides employers with guidance on general concerns such as who is protected by the ADA and what constitutes prohibited discrimination. More specific questions are also answered, including what they can and cannot ask during the application/interview process, how to evaluate an applicant's or employee's qualifications, and what constitutes a reasonable accommodation. This manual addresses the legal issues and helps employers understand mental illnesses, the abilities of and the difficulties faced by people with these conditions, and how to comply with the ADA with respect to these individuals (authors).

Available From: National Mental Health Association, 2001 N. Beauregard Street, 12th Floor, Alexandria, VA 22311, (703) 684-7722, www.nmha.org.

Legal Issues

Section: Anti-Homeless Ordinances, Criminalization

Order #: 6726

Authors: Ades, P.

Title: **The Unconstitutionality of 'Anti-Homeless' Laws: Ordinances Prohibiting Sleeping in Outdoor Public Areas as a Violation of the Right to Travel.**

Source: California Law Review 77: 595-628, 1989. (Journal Article: 33 pages)

Abstract: This article describes an episode in Los Angeles where hundreds of people who were homeless were forced to abandon their makeshift shelters because they were violating a previously unenforced ordinance prohibiting sleeping on a street, sidewalk, or other public way. The author contends that a uniform federal rule prohibiting ordinances that proscribe sleeping in all outdoor public areas is needed. The causes of and attempted solutions for homelessness are briefly described, and it is argued that broad anti-sleeping ordinances unconstitutionally burden the fundamental right to travel. Issues examined include: the scope, causes, and symptoms of homelessness; the various methods used by municipalities to remove people who are homeless from within their borders; factors involved when a statute impedes travel; and the relationship laws prohibiting outdoor sleeping in all public areas to the fundamental right to travel. The author summarizes methods of equal protection analysis and then demonstrates why anti-sleeping ordinances cannot survive the strict scrutiny review that courts must apply to all laws impinging upon fundamental rights. After arguing that these laws violate the right to travel, the author suggests alternatives available to cities concerned with the health and safety issues arising from the presence of a substantial homeless population.

Order #: 8424

Authors: Brown, K.

Title: **Outlawing Homelessness.**

Source: Shelterforce 21(4): 12-15, 29, 1999. (Journal Article: 5 pages)

Abstract: In the past decade, cities have increasingly moved toward enacting and enforcing laws that specifically criminalize homelessness in response to their concern about the use of public space. A recent report found that 86% of the cities surveyed had laws that prohibited or restricted begging, while 73% prohibited or restricted sleeping and/or camping. Over one-third of the cities surveyed have initiated crackdowns on homeless people according to the survey respondents, and almost half of the cities have engaged in police "sweeps" in the past two years. The author contends that criminalization is poor public policy and offers alternatives.

Order #: 3191

Authors: Dade County Grand Jury.

Title: **Final Report of the Dade County Grand Jury: Homelessness in Miami.**

Source: Miami, FL: Circuit Court of the Eleventh Judicial Circuit of Florida, 1991. (Report: 11 pages)

Abstract: In this report, the Dade County Grand Jury examines how the shanty towns of the Miami's homeless population have been removed and homeless individuals sometimes arrested or transported elsewhere because of pressure from the business community. The Grand Jury condemns these actions contending that the issue of homelessness has been debated in purely economics terms without concern for the well-being of homeless people themselves. The Grand Jury calls upon the community to accept responsibility for the homeless population and makes a number of recommendations on how to help them.

Legal Issues
Section: Anti-Homeless Ordinances, Criminalization

Order #: 5759

Authors: Foscarinis, M.

Title: **Downward Spiral: Homelessness and its Criminalization.**

Source: Yale & Policy Review 14(1), 1996. (Journal:Entire Issue: 63 pages)

Abstract: This special issue provides information on the size, nature, and causes of homelessness; reviews local governments' anti-homeless laws and recent court rulings concerning the constitutionality of such laws; addresses public policy concerns; and identifies three types of city responses to court rulings. The author contends that cities should work constructively to address the problem of homelessness and constitutionally and responsibly address the common interest of those who are homeless and those who are not (author).

Available From: The National Law Center on Homelessness & Poverty, 1411 K Street NW, Suite 1400, Washington, DC 20005, (202) 638-2535, www.nlchp.org (COST: \$8.00).

Order #: 3795

Authors: Foscarinis, M., Herz, R.

Title: **New Municipal Ordinances Regulating Homeless People.**

Source: The Journal of Intergroup Relations 22(4): 25-30, 1995. (Journal Article: 6 pages)

Abstract: This article is based on research conducted for the National Law Center on Homelessness and Poverty's three reports on the subject of anti-homelessness laws and policies. Many cities engage in "sweeps" designed to remove people who are homeless from public places. Cities use selective enforcement of generally applicable laws and place restrictions on service providers. Much of this enforcement results in penalizing, and criminalizing people who are homeless, making it impossible for these people to remain in a given jurisdiction without violating its laws.

Order #: 6816

Authors: Knapp, C.F.

Title: **Statutory Restriction of Panhandling in Light of Young v. New York City Transit: Are States Begging Out of First Amendment Proscriptions?**

Source: Iowa Law Review 76: 405-423, 1991. (Journal Article: 18 pages)

Abstract: This article reviews the constitutionality of statutory proscriptions of begging in light of the current jurisprudential conflict over whether begging constitutes free speech, especially as evidenced in the Young v. New York Transit Authority decisions. The author outlines the facts and case history of Young and analyzes the holdings of both the district court and the Second Circuit with regard to whether begging implicates protected speech, and if so, whether the protected speech element of begging constitutes commercial speech or traditionally protected speech. Upon determining that begging constitutes expressive conduct protected by the First Amendment, the author concludes that most state statutes are unconstitutional for their overbreadth in proscribing begging altogether. The article proposes a model regulation for the constitutional restriction of begging activity (author).

Legal Issues

Section: Anti-Homeless Ordinances, Criminalization

Order #: 12257

Authors: National Coalition for the Homeless.

Title: **Hate, Violence, and Death on Main Street USA: A Report on Hate Crimes and Violence Against People Experiencing Homelessness from 1999-2002.**

Source: Washington, DC: National Coalition for the Homeless, 2002. (Report: 46 pages)

Abstract: In this report, the authors compile the incidence of hate crimes and violence against people who are homeless that NCH has received and reviewed, in an effort to make lawmakers and the public aware of this serious issue. This report also includes a breakdown of where violence/hate crimes occurred by city and state, a summary of hate crimes and violence data, case descriptions by month and city, and a sample letter to members of Congress. Proactive measures are also recommended (authors).

Available From: National Coalition for the Homeless, 1012 14th Street NW, #600, Washington, DC 20005, (202) 737-6444, www.nationalhomeless.org.

Order #: 12825

Authors: National Coalition for the Homeless.

Title: **Illegal to be Homeless: The Criminalization of Homelessness in the United States.**

Source: Washington, DC: National Coalition for the Homeless, 2003. (Report: 80 pages)

Abstract: This report documents the widespread trend of the violations of the basic human rights of people experiencing homelessness in 147 communities in 42 states, Puerto Rico, and the District of Columbia, as well as the connections between the creation of a public environment of intolerance and the increasing danger of living on the streets that results from this attitude toward people experiencing homelessness. This report continues to investigate and present the evidence that criminalization is not only a local issue but also a national one that demands a federal response. The authors assert that a pattern and practice of civil rights violations and unconstitutional behaviors by local government authorities, including police and other city agencies, exist in many cities around the country. This new report represents the most substantive attempt to date to document the ways in which criminalization impacts people experiencing homelessness in local communities throughout the United States (authors).

Available From: National Coalition for the Homeless, 1012 14th Street, NW, Suite 600, Washington, DC 20005, (202) 737-6444, www.nationalhomeless.org.

Order #: 1441

Authors: National Law Center on Homelessness and Poverty.

Title: **Go Directly to Jail: A Report Analyzing Local Anti-Homeless Ordinances.**

Source: Washington, DC: National Law Center on Homelessness and Poverty, 1991. (Report: 88 pages)

Abstract: This report focuses on four types of anti-homeless actions: anti-panhandling codes; anti-sleeping codes; anti-loitering and vagrancy codes; and unequal enforcement of the law. It provides background on the affordable housing crisis and other root causes of homelessness, describes the types of anti-homeless ordinances, and analyzes legal challenges to these laws. It also details the trend of government hostility toward homeless people in nine cities: Atlanta, Chicago, Dallas, Las Vegas, Miami, New York, San Francisco, Seattle, and Washington, D.C. The authors contend that local governments should respond to the concerns of neighborhood groups and business organizations by addressing the underlying causes of homelessness -- not criminalizing the behavior associated with homelessness (author). AVAILABLE FROM: The National Law Center on Homelessness & Poverty, 1411 K Street NW, Suite 1400, Washington, DC 20005, (202) 638-2535, www.nlchp.org (COST: \$20.00).

Legal Issues

Section: Anti-Homeless Ordinances, Criminalization

Order #: 6624

Authors: National Law Center on Homelessness and Poverty.

Title: **Mean Sweeps: A Report on Anti-Homeless Laws, Litigation and Alternatives in 50 United States Cities**

Source: Washington, DC: National Law Center On Homelessness and Poverty, 1996. (Report: 75 pages)

Abstract: This report examines the recent growing trend toward the "criminalization" of homelessness in cities across the United States. The authors contend that local government officials have increasingly turned to the criminal justice system as a means of addressing problems associated with homelessness that arise in their communities. Topics discussed include: emergency shelter and transitional housing capacity; available resources; prohibited conduct; enforcement trends; the criminalization of homelessness as public policy; alternatives to criminalization; and selected case law.

Available From: The National Law Center on Homelessness & Poverty, 1411 K Street NW, Suite 1400, Washington, DC 20005, (202) 638-2535, www.nlchp.org (COST: \$20.00).

Order #: 8318

Authors: National Law Center on Homelessness and Poverty.

Title: **Out of Sight - Out of Mind? A Report on Anti-Homeless Laws, Litigation and Alternatives in 50 United States Cities.**

Source: Washington, DC: The National Law Center on Homelessness and Poverty, 1999. (Report: 84 pages)

Abstract: This report addresses the growing trend toward the criminalization of homelessness in cities across the United States. It lists 50 cities in the U.S. and reports on their enforcement trends. Also discussed are reasons why anti-homeless actions constitute poor public policy. Alternatives to criminalization are suggested. It also provides selected case law challenging restrictions on sleeping, camping, sitting or storing property in public places.

Available From: The National Law Center on Homelessness & Poverty, 1411 K Street NW, Suite 1400, Washington, DC 20005, (202) 638-2535, www.nlchp.org (COST: \$25.00).

Order #: 2324

Authors: National Law Center on Homelessness and Poverty.

Title: **The Right to Remain Nowhere: A Report on Anti-Homeless Laws and Litigation in 16 United States Cities.**

Source: Washington, DC: National Law Center on Homelessness and Poverty, 1993. (Report: 159 pages)

Abstract: This report examines recent anti-homeless laws and litigation in 16 cities across the country. These cities include New York, New York; Washington, DC; Seattle, Washington; Las Vegas and Reno, Nevada; Dallas, Texas; Chicago, Illinois; Atlanta, Georgia; Cincinnati, Ohio; San Francisco and Oakland, California; and Jacksonville, Miami, Key West and Orlando, Florida. The report provides an overview of anti-homeless actions such as public place restrictions, anti-sleep laws, anti-begging ordinances, restrictions on service providers and transit system regulations. In addition, descriptive information on the ordinances passed in each city is provided. Alternatives to anti-homeless laws are also discussed as well as affirmative legislation to safeguard the rights of homeless individuals. (COST: \$25.00)

Available From: The National Law Center on Homelessness & Poverty, 1411 K Street NW, Suite 1400, Washington, DC 20005, (202) 638-2535, www.nlchp.org.

Legal Issues

Section: Anti-Homeless Ordinances, Criminalization

Order #: 7134

Authors: Simon, H.

Title: **Municipal Regulation of the Homeless in Public Spaces.**

Source: In Bahmol, J. (ed.), Homelessness in America. Phoenix, AZ: Oryx Press, 149-159, 1996. (Book Chapter: 11 pages)

Abstract: In this chapter, the author discusses how the use of criminal sanctions to protect public spaces have come into conflict with efforts by civil rights advocates to prevent the criminalization of homelessness. An overview of the concerns prompting official crackdowns on homeless people is presented. The author then discusses objections to municipal policing of public spaces often used by advocates for the homeless in opposing anticamping and antisleeping ordinances. Lawsuits brought by homeless advocates in several states to challenge laws that regulate public space are presented, and examples of two cities' battles with homeless advocates over the regulation of public space are furnished.

Order #: 2262

Authors: Simon, H.

Title: **Towns Without Pity: A Constitutional and Historical Analysis of Official Efforts to Drive Homeless Persons from American Cities.**

Source: Tulane Law Review 66(4): 631-676, 1992. (Journal Article: 46 pages)

Abstract: This article begins by describing the historical background on vagrancy and loitering laws, and other laws intended to keep poor and homeless people out of a jurisdiction. The author then outlines contemporary efforts to expel homeless individuals in several cities including Santa Ana and San Francisco, California, and Miami, Florida. Potential constitutional challenges to the legality of these practices are described.

Order #: 2120

Authors: Steinberg, D.H.

Title: **Constructing Homes For The Homeless? Searching for a Fourth Amendment Standard.**

Source: Duke Law Journal 41: 1508-1547, 1992. (Journal Article: 39 pages)

Abstract: This article examines the "reasonable expectation of privacy" standard in search and seizure cases and assesses the implications with regard to homeless persons. The historical development of the interpretation of the Fourth Amendment is described. In particular, cases that shed light on the homeless person's Fourth Amendment interest are analyzed, including cases that involve searches of open fields, closed container searches, searches of abandoned items, and searches of trespassers' belongings (author).

Order #: 5690

Authors: Swaney, D. (ed).

Title: **Mentally Ill Homeless: The Grate Society.**

Source: Hope Magazine, November-December 1992. (Journal:Entire Issue: 35 pages)

Abstract: This issue includes a discussion of why there are so many mentally ill people among the homeless, an interview with the legal aid attorney who says anti-camping laws violate the rights of homeless people, and new ideas in independent living for people who have mental illness.

Legal Issues

Section: Anti-Homeless Ordinances, Criminalization

Order #: 12315

Authors: The National Law Center on Homelessness and Poverty.

Title: **Punishing Poverty: The Criminalization of Homelessness, Litigation and Recommendations for Solutions.**

Source: Washington, DC: The National Law Center on Homelessness and Poverty, 2003. (Report: 52 pages)

Abstract: This report, released by the National Law Center on Homelessness and Poverty, focuses on the ordinances that different communities use to punish homeless people for eating and sleeping, and other activities in public spaces. The report provides an update on the criminalization trends and most egregious incidents that have taken place since January 2002, and provides an overview and summaries of 79 cases that have challenged such laws and practices. The authors highlight community approaches that are more constructive in ending homelessness in public spaces and make further recommendations specific to city governments, business groups and the federal government (authors).

Available From: The National Law Center on Homelessness & Poverty, 1411 K Street, NW, Suite 1400, Washington, DC 20005, (202) 638-2535, www.nlchp.org.

Order #: 6748

Authors: Vamos, G.

Title: **Kreimer v. Bureau of Police: Are the Homeless Ready for Suspect Classification?**

Source: Whittier Law Review 14: 731-746, 1993. (Journal Article: 15 pages)

Abstract: The author contends that, from the 14th to the 19th centuries, views of the homeless have evolved to pace the governance of society's dislocated classes. In addressing the U.S. Court of Appeals' decision regarding *Kreimer v. Bureau of Police*, the author presents its inevitable implications on the homeless. Within the framework of the *Kreimer* case, the author discusses, from an historical perspective, the more subtle anti-homeless legislations that have been established from the 14th century to the present in efforts to deter or expel the homeless (i.e. the prohibition of sleeping in public places, and "arrest sweeps" of the homeless). The author determines that to alter future court decisions such as those discussed, there must be a return to values which promote protection of the unfortunate.

Legal Issues
Section: Fair Housing, Zoning Issues, NIMBY

Order #: 6797

Authors: Adler, S.A.

Title: **Group Homes and Deinstitutionalization: The Legislative Response to Exclusionary Zoning.**

Source: Vermont Law Review 6: 509-538, 1981. (Journal Article: 27 pages)

Abstract: This article focuses on exclusionary zoning, and evaluates its validity as a response to the perceived threat of group homes. Statutes and case law from six states are surveyed including: Vermont, New Hampshire, Maine, Connecticut, Massachusetts, and Rhode Island. Although group homes are used for many different types of people, this article places particular emphasis on the problems of the following seven groups: mentally retarded, mentally ill, developmentally disabled, juvenile delinquents, alcohol and drug abusers, foster children, and elderly. The author contends that a humanistic policy of normalization, requiring least restrictive placements for most, if not all of the surveyed classes of people, should be a priority for all levels of government (author).

Order #: 6856

Authors: Allen, M.

Title: **Separate and Unequal: The Struggle of Tenants with Mental Illness to Maintain Housing**

Source: Clearinghouse Review: 720-739, 1996. (Journal Article: 20 pages)

Abstract: This article assesses fair housing and tenant rights law for mental health consumers and challenges advocates to consider new resources and arguments in an effort to secure full tenancy rights. The author examines the history of the need to create community-based treatment, the decisions made by mental health authorities to become housing providers, and the nature of housing and support services that were then provided. The author suggests the need for mental health officials and advocates to work together to make community integration and rights protection central elements of any housing program.

Order #: 7047

Authors: Allen, M.

Title: **Testimony of Michael Allen to the House Judiciary Committee Subcommittee on the Constitution Concerning H.R. 2927, September 5, 1996.**

Source: Washington, DC: Judge David L. Bazelon Center for Mental Health Law, 1996. (Testimony: 8 pages)

Abstract: This testimony was given on behalf of the Bazelon Center for Mental Health Law, The Arc (formerly Association for Retarded Citizens), Legal Action Center, the National Association of Protection and Advocacy Systems, the National Fair Housing Alliance, and the Washington Lawyers Committee for Civil Rights and Urban Affairs to express concern about H.R. 2927, a bill proposed to amend the Fair Housing Act. The bill, introduced on Feb. 1, 1996, met great opposition in the disabilities and civil rights communities because it would allow intentional discrimination against persons with disabilities by permitting states and localities to enforce 'reasonable' restriction against residential care facilities. The author argues that the broad definition of these facilities in the bill includes group homes, independent living facilities, supported housing units, board and care homes, shelters, transitional housing facilities, as well as countless other forms of housing in which persons with disabilities live. The author argues that the bill seems to undermine the Fair Housing Amendments Act of 1988 and is a direct assault on the rights of people with disabilities to live in residential communities.

Available From: Bazelon Center for Mental Health Law, ATTN: Communications Department, 1101 15th Street NW, Suite 1212, Washington, DC 20005-5002, www.bazelon.org.

Legal Issues
Section: Fair Housing, Zoning Issues, NIMBY

Order #: 2221

Authors: Anderson, A., Winsor, E.

Title: Reasonable Accommodations for Mentally Disabled Tenants.

Source: Boston, MA: Massachusetts Law Reform Institute, 1991. (Report: 16 pages)

Abstract: Massachusetts discrimination laws and the Federal Fair Housing Act require human service agencies to provide reasonable accommodations for persons with mental disabilities. This article provides guidance to housing managers, tenants, departments of mental health and mental retardation, service providers and advocates as to the criteria of the reasonable accommodation requirements for mentally disabled tenants (authors).

Available From: Massachusetts Law Reform Institute, 99 Chauncy Street, 5th Floor, Boston, MA 02111, (617) 357-0700, www.mlri.org.

Order #: 511

Authors: Axleroad, S.E. and Toff, G.

Title: Zoning Issues in the Development of Housing for Homeless People Who are Mentally Ill.

Source: Washington, DC: National Institute of Mental Health, 1987. (Report: 66 pages)

Abstract: This report summarizes the proceedings of a meeting that brought together 11 individuals with experience in either developing and operating housing services for people who have mental illnesses or in dealing with the many legal issues surrounding the development of housing for these individuals. The participants explored a range of issues related to the role played by zoning laws in the establishment of community residences for homeless mentally ill persons. Chapters include: an overview of legal and social issues in zoning; approaches to zoning barriers; developing effective community relations; overcoming legal barriers; state legislative issues in zoning; and decision making on zoning issues. The report concludes with case studies in Texas, Colorado, and Pennsylvania.

Order #: 7343

Authors: Bazelon Center for Mental Health Law, Stein & Schonfeld.

Title: Digest of Cases and Other Resources on Fair Housing for People with Disabilities.

Source: Washington, DC: Bazelon Center for Mental Health Law, 1998. (Journal Article: 50 pages)

Abstract: This digest describes recent orders by courts throughout the United States on housing and land-use issues affecting people with mental or physical disabilities. Most of the cases were decided under the 1988 amendments to the federal Fair Housing Act, prohibiting discrimination based on disability. The vast majority of decisions support the right of people with disabilities to live where they choose, making the compilation a useful tool for advocates, developers and residents of group homes, supported or independent apartments, and other community-living options (authors).

Available From: Fair Housing Digest, Publications Desk, Bazelon Center for Mental Health Law, 1101 15th Street, NW, Suite 1212, Washington, DC 20005, (202) 467-4232, (COST: \$9.35 plus \$4.00 P/H)

Legal Issues
Section: Fair Housing, Zoning Issues, NIMBY

Order #: 8139

Authors: Bazelon Center for Mental Health Law.

Title: What "Fair Housing" Means for People with Disabilities: A Guide for Consumers, Advocates, and Landlords.

Source: Washington, DC: Bazelon Center for Mental Health Law, 1999. (Guide: 48 pages)

Abstract: This booklet compares, in plain language, protections of the housing rights of people with mental or physical disabilities in three federal laws: the Fair Housing Act as amended in 1988; the American with Disabilities Act; and Section 504 of the Rehabilitation Act. It covers such topics as: discrimination when applying for housing; discrimination during tenancy; accessibility requirements; reasonable accommodations; and how to challenge discrimination.

Available From: Publications Desk, Bazelon Center, 1101 15th Street, NW, Suite 1212, Washington, DC 20005-5002; <http://store.bazelon.org>. (COST: \$6.00)

Order #: 5758

Authors: Beck, P.

Title: Fighting Section 8 Discrimination: The Fair Housing Act's New Frontier.

Source: Harvard Civil Rights Civil Liberties Law Review 31(1): 155-186, 1996. (Journal Article: 33 pages)

Abstract: Discrimination against rental subsidy holders and the enactment of the Fair Housing Act (FHA) of 1968 is examined. The author explains that frequently the interests of Section 8 recipients in finding housing conflict with private landlords' interests in freely choosing who will rent their property. This article traces the economic effects of an 1988 amendment to the FHA that prohibits discrimination against housing subsidy holders (author).

Order #: 2049

Authors: Beggs, M.

Title: OK In My Backyard: Issues and Rights in Housing for the Mentally Ill.

Source: San Francisco, CA: San Francisco Study Center, 1993. (Report: 36 pages)

Abstract: In the past two decades, deinstitutionalization of California's mental hospitals has created a growing need for housing of persons with mental illness. Meeting the needs of this population has been difficult given the "not-in-my-backyard" (NIMBY) attitude that determines just how close neighbors will allow persons with mental illnesses to their homes. In an effort to reverse the NIMBY trend, this report describes strategies for approaching the community, discusses the limits of public education in reversing opposition, assesses the new legal constraints on landlords, zoning administrators and neighborhood opponents, describes local efforts to improve housing options and suggests policy changes that could benefit both persons with mental illnesses and their neighbors.

Available From: Study Center Press, 1095 Market Street, Suite 602, San Francisco, CA 94103, (415) 626-1650, www.studycenter.org.

Legal Issues
Section: Fair Housing, Zoning Issues, NIMBY

Order #: 6759

Authors: Bockian, J.M.

Title: **Shelters for the Homeless and Zoning Use Restrictions.**

Source: Massachusetts Law Review: 75-83, Summer 1989. (Journal Article: 9 pages)

Abstract: Establishing shelters for the homeless is difficult for a variety of reasons. The author explains that community opposition, often based on fear and misunderstanding, is typically a major obstacle to establishing a new shelter, even when funding is available. Often, funds only become available when a shelter can demonstrate site control, so the interplay of community opposition and funding limitations may be deadly. This article discusses how the state Zoning Act can be used to give certain shelters the right to locate anywhere in any community outside of Boston. The author suggests that attorneys representing shelters, city and town counsels, and the courts should be more creative in their understanding of the purposes of shelters to help address homelessness, one of the most pernicious social ills facing communities (author).

Order #: 6760

Authors: Bonanno, G.C.

Title: **Challenges to the Baltimore Bill Limiting Shelter.**

Source: Maryland Journal of Contemporary Legal Issues 1: 109-160, 1990. (Journal Article: 51 pages)

Abstract: This article focuses on potential legal challenges to the Cunningham Bill, a proposed Baltimore City ordinance that defines and regulates two types of community-based treatment facilities: residential and non-residential. The bill creates new limits on the number of persons who may reside in newly defined community-based residential facilities and limits the placement of those facilities. This article focuses on legal challenges raised by homeless individuals and advocacy groups representing the homeless. Various legal challenges that may be raised in opposition to the bill are discussed, along with the present Baltimore City Zoning Code. Whether the bill contravenes existing Maryland state policies regarding location of various community-based treatment facilities is examined. The author discusses the legal challenges that are most likely to succeed and considers the need for a legislative initiative in conjunction with legal actions brought against the ordinance.

Order #: 2119

Authors: Council of Large Public Housing Authorities and Russ Associates.

Title: **Applicant Screening and Nondiscrimination: Complying With HUD's Tenant Selection, 504 and Fair Housing Rules.**

Source: Washington, DC: The Council of Large Public Housing Authorities, 1991. (Manual: 128 pages)

Abstract: This manual describes a process by which housing authorities can revise their admissions policies and practices to improve applicant screening while protecting the rights of all applicants, including those with disabilities. The manual includes a sample policy excerpt and a series of model procedures that are intended to be helpful for housing authorities in developing their own procedures regarding eligibility determination, tenant selection and reasonable accommodation (author).

Available From: The Council of Large Public Housing Authorities, 122 C. Street N.W., Suite 865, Washington, DC 20001, (202) 638-1300.

Legal Issues
Section: Fair Housing, Zoning Issues, NIMBY

Order #: 1556

Authors: Curry, L.P.

Title: **Eliminating Zoning Barriers to Community Residences and Group Homes.**

Source: Cambridge, MA: The Massachusetts Bar Foundation, undated. (Report: 41 pages)

Abstract: With the enactment of the federal Fair Housing Amendments Act of 1988, advocates for people with mental disabilities have a significantly expanded legal basis for a successful challenge to zoning and other local land use barriers to community residences and group homes. These amendments, extending to disabled people the full protection against housing discrimination of the Civil Rights Act of 1968, have recently been used by advocates in Cambridge, Massachusetts, to eliminate severe zoning restrictions on community residence development in that city. The present guide reviews the investigative methods, legal research, and strategies used by those advocates, in the hope that these can be adapted to challenge similar barriers to supported housing for people with disabilities in other communities (author).

Order #: 7392

Authors: Davis, B.E.

Title: **The State Giveth and the Court Taketh Away: Preserving the Municipality's Ability to Zone for Group Homes Under the Fair Housing Amendments Act of 1988.**

Source: University of Pittsburgh Law Review 59(1): 193-232, 1997. (Journal Article: 40 pages)

Abstract: Since the enactment of the Fair Housing Amendments Act (FHAA) in 1988, group home operators have led an assault on local zoning ordinances that limit or prevent their ability to locate in residential areas. The courts have responded by curbing or exempting local zoning regulations and altering municipalities' zoning decisions. The author states that a consequence of this judicial action is the erosion of the municipality's ability to perform one of its basic functions -- the regulation of land use. This article presents an argument for the preservation of the municipality's ability to zone for group homes. The author presents an analysis of the definition of "handicap," an analysis and framework for evaluating FHAA claims, a discussion of the issue of preemption, and an examination of the zoning tools the courts have used to place group homes in the community. The author concludes that courts have eroded the entire local zoning process and that this judicial activism generates far more damage than good (author).

Order #: 6731

Authors: Devers, K.C., West, J.G.

Title: **Exclusionary Zoning and its Effect on Housing Opportunities for the Homeless.**

Source: Notre Dame Journal of Law, Ethics, & Public Policy 4: 349-363, 1989. (Journal Article: 15 pages)

Abstract: This article focuses on the relationship of exclusionary zoning to the lack of affordable housing opportunities. These factors impede the efforts of people who are homeless to secure permanent housing. The authors profile homelessness and give and explain the ways zoning laws affect people who are homeless. Other topics include: exclusionary zoning and its adverse effects on the preferred free operation of the market; possible responses to exclusionary zoning ordinances; analysis of the effectiveness of current efforts to rezone in favor of low income groups; the benefits of exclusionary zoning compared to human costs; and alternatives to current zoning practices.

Legal Issues
Section: Fair Housing, Zoning Issues, NIMBY

Order #: 1223

Authors: Goebel, P.R., Lively, D.E.

Title: **Are You Discriminating?**

Source: Journal of Housing: 145-150, 1989. (Journal Article: 6 pages)

Abstract: The purpose of the Fair Housing Amendments Act of 1988 is to provide an effective enforcement system, extend protection to disabled persons, and include families with children in the protection offered under Title VIII of the Fair Housing Act. This article discusses the implications of the Act for special needs populations and how it will impact national housing practices.

Order #: 6749

Authors: Goldberg, S.L.

Title: **Gimme Shelter: Religious Provision of Shelter to the Homeless as a Protected Use Under Zoning Laws**

Source: Washington University Journal of Urban & Contemporary Law 30(75): 75-112, 1986. (Journal Article: 37 pages)

Abstract: This article examines the interaction between the zoning power of municipalities and the church's right to use property already devoted to religious use for sheltering people who are homeless. Particular attention is accorded to the issue of whether use of a religious structure for a shelter constitutes a valid religious or accessory use within the free exercise clause of the first amendment. The author examines the dimensions and nature of the homelessness crisis, identifying some of the causes of homelessness as well as recent shifts in the demographic composition of those in need of emergency shelter. The development of zoning laws with regard to religious and accessory uses is also examined, as well as the principle of accommodating religion in the light of the free exercise clause. The article concludes by arguing that sheltering the homeless does constitute a valid religious or accessory use of church property, and therefore, courts should require a compelling state interest before the use is restricted (author).

Order #: 6814

Authors: Grossman, A.K.

Title: **Community Integration of Persons with Mental Illness: A Legislative Proposal to Combat the Exclusionary Zoning of Community Residential Programs."**

Source: Law & Inequality 7: 215-264, 1989. (Journal Article: 49 pages)

Abstract: The purpose of this article is to propose model legislation related to residential programs that will combat exclusionary zoning. The author reviews municipal zoning power and the parameters of zoning ordinances. Also discussed is common neighborhood concerns that prompt community resistance to residential programs for person who have mental illnesses. Pertinent judicial decisions related to exclusionary zoning an case law which can be derived from these decisions are outlined. The need to increase governmental and community involvement in the siting of residential treatment programs for persons who have mental illness is discussed. The author describes the conditional use permit requirement and sets forth alternatives that do not weigh as heavily against community location residential programs for persons who have mental illnesses. Various state efforts aimed at preventing concentration and promoting dispersal of residential programs are discussed and alternatives for state legislative action derived from the various state approaches are set forth in Section VIII (author).

Legal Issues
Section: Fair Housing, Zoning Issues, NIMBY

Order #: 7229

Authors: Haar, C.M.

Title: **Judges as Agents of Social Change: Can the Courts Break the Affordable Housing Deadlock in Metropolitan Areas?**

Source: Housing Policy Debate 8(3): 633-650, 1997. (Journal Article: 18 pages)

Abstract: This article discusses the role of state courts in zoning regulations and eliminating legal barriers to affordable housing. The author discusses past incidences of courts altering affordable housing regulation, relying heavily on the New Jersey State Supreme Court's decisions in the Mount Laurel cases. The author states that by emphasizing metropolitan comprehensive planning, the New Jersey courts underline the collective responsibility for eliminating exclusionary zoning. The author concludes that state courts can play an indispensable role in solving regional land use problems if they secure the support of community leadership groups.

Order #: 6805

Authors: Heifetz, A.W., Heintz, T.C.

Title: **Separating the Objective, the Subjective, and the Speculative: Assessing Compensatory Damages in Fair Housing Adjudications.**

Source: The John Marshall Law Review 26: 3-28, 1992. (Journal Article: 25 pages)

Abstract: This article briefly discusses the nature of adjudicatory responsibility under the Administrative Procedure Act. The author outlines pertinent provisions of the Fair Housing Act Amendments Act of 1988 and discusses the assessment of damages in housing discrimination cases from the perspective of administrative law judges adjudicating cases under the provisions of both the Administrative Procedure Act and the Fair Housing Act.

Order #: 12739

Authors: Housing Assistance Council.

Title: **Fair Housing, the Zoning Process, and Land Use Politics in Rural Areas.**

Source: Washington, DC: Housing Assistance Council, 1998. (Report: 31 pages)

Abstract: This report addresses the "Not in My Back Yard" (NIMBY) syndrome, which is a common factor in preventing affordable housing development in some communities. This study will provide an outline of common patterns in NIMBY cases, explore the circumstances that would transform a NIMBY situation to a fair housing discrimination case, and outline the grievance mechanisms available to complainants in these types of housing discrimination situations. This report uses examples from four cases to illustrate choices and strategies that may be employed at different points in a NIMBY conflict. In each case, local opponents to an affordable housing project used the permit or zoning process to challenge an affordable housing proposal. Documentation obtained for the cases included copies of zoning applications and minutes from zoning hearings. Copies of fair housing complaints were also obtained for the cases in which they were filed (authors).

Available From: Housing Assistance Council, 1025 Vermont Avenue NW, Suite 606, Washington, DC 20005, (202) 842-8600, www.ruralhome.org.

Legal Issues
Section: Fair Housing, Zoning Issues, NIMBY

Order #: 6052

Authors: Housing Assistance Council.

Title: **Overcoming Exclusion in Rural Communities: NIMBY Case Studies.**

Source: Washington, DC: Housing Assistance Council, 1994. (Report: 135 pages)

Abstract: This report examines eight cases of housing developments that overcame NIMBY opposition and were constructed in rural communities across the United States: three low-income multi-family projects; three multi-family farm labor projects; one single-family self-help project; and one special-use housing project for recovering adolescent substance abusers. The eight cases vary widely in terms of the nature of the conflicts and characteristics of the communities in which they took place. These cases provide developers of future rural low-income housing an idea of the variety of hurdles they might face as they build housing near reluctant neighbors (authors).

Available From: The Housing Assistance Council, 1025 Vermont Avenue, NW, Suite 606, Washington, DC 20005, (202) 842-8600, www.ruralhome.org.

Order #: 413

Authors: Kanter, A.S.

Title: **Recent Zoning Cases Uphold Establishment of Group Homes for the Mentally Disabled.**

Source: Clearinghouse Review: 515-518, 1984. (Journal Article: 4 pages)

Abstract: This article discusses the growth in community-based residential facilities and the impact local zoning ordinances have on their establishment. It reviews recent court decisions that support the development of group homes, and cites key legal arguments to support establishment of residences.

Order #: 412

Authors: Kanter, A.S.

Title: **Overcoming Obstacles to Housing for People Who Are Mentally Disabled and Homeless.**

Source: Clearinghouse Review 18(515): 955-964, 1984. (Journal Article: 10 pages)

Abstract: This article examines obstacles to housing for mentally ill persons. The author reviews Medicaid and Social Security Income (SSI) as sources of funding for the development of housing opportunities for mentally ill people, and discusses the inadequacies of these resources. She reviews several litigations challenging zoning laws utilized to exclude mentally ill persons from neighborhoods, and also discusses several litigations seeking to establish a right to community mental health services for those with mental illness. She concludes with recommendations to improve the service delivery system and to successfully reintegrate homeless mentally ill individuals into the community.

Order #: 7394

Authors: Kotkin, M.J.

Title: **The Fair Housing Amendments Act of 1988: New Strategies for New Procedures.**

Source: Review of Law and Social Change 27: 755-786, 1989-1990. (Journal Article: 32 pages)

Abstract: This article explores some of the potential ramifications and suggests enforcement strategies for the Fair Housing Amendments Act of 1988. The first section discusses the statutory provisions and compares the relative advantages of the two forms of enforcement, administrative proceedings and federal court actions. The second discusses two facets of the administrative enforcement route that may detract from its effectiveness. In the third section, the author considers the extent to which the provision for referral of claims to "substantially equivalent" state and local agencies delays the implementation of the act, and recommends ways of guarding against this result (author).

Legal Issues
Section: Fair Housing, Zoning Issues, NIMBY

Order #: 6799

Authors: Kushner, J.A.

Title: **The Fair Housing Act of 1988: The Second Generation of Fair Housing.**

Source: Vanderbilt Law Review 42: 1049-1120, 1989. (Journal Article: 61 pages)

Abstract: The author explains that housing remains the most segregated aspect of American life and the greatest failure of the civil rights revolution. The Fair Housing Act of 1988 dramatically strengthens the arsenal available to combat housing discrimination and neighborhood segregation. The author contends that more generous damages and attorney fees, plus an increased federal enforcement role, may generate public and private enforcement at a level that can begin to make an impact on housing. The experience of the fair housing enforcement effort, both private and public, is analyzed and the impact of the Fair Housing Amendments Act of 1988 and other current initiatives is assessed. Topics discussed include: procedural changes; changes in coverage; state and local enforcement; unresolved problems; affirmative action; and the future of Fair Housing.

Order #: 7074

Authors: Legal Action Center.

Title: **IHS v. City of White Plains.**

Source: Washington, DC: Legal Action Center, 1997. (Information Packet: 31 pages)

Abstract: This information packet describes a precedent-setting NIMBY case in which the United States Court of Appeals for the Second District ruled that the Americans with Disabilities Act prohibits zoning discrimination against the disabled and their service providers, including drug and alcohol treatment programs. On June 26, 1997, the court issued a landmark ruling affirming the District Court's ruling in favor of Innovative Health Systems, Inc. v. the City of White Plains. The ruling prohibits the City of White Plains from using its zoning powers to discriminate against alcohol and drug treatment programs and clients. The ruling may potentially be used to challenge a wide variety of zoning decisions involving group homes for the mentally ill, homeless shelters where clients may be mentally ill or alcohol- or drug-dependent, and other similar entities.

Order #: 2323

Authors: Mallin, B., Espenscheid, A.

Title: **Legal Handbook on Developing Low-Income Housing.**

Source: New York, NY: New York State Division of Housing and Community Renewal, 1993. (Manual: 129 pages)

Abstract: The purpose of this manual is to present the legal framework in which low-income housing is developed. The authors provide a step-by-step approach to developing low-income housing including information on working with public funders. Other topics covered include the acquisition of property, legal considerations during the construction process, the basics of Federal tax credits for low-income housing, negotiating agreements with private developers and occupancy issues.

Available From: New York State Division of Housing and Community Renewal, New York City, 25 Beaver Street, New York, NY 10004, (212) 480-6700, www.dhcr.state.ny.us.

Legal Issues
Section: Fair Housing, Zoning Issues, NIMBY

Order #: 12820

Authors: McDiarmid, D.

Title: A Strategy Guide for Supported Housing.

Source: Lawrence, KS: The University of Kansas School of Social Welfare, 1994. (Guide: 50 pages)

Abstract: This document focuses on assisting consumers to secure and sustain the home of their choice. The author includes strategies for locating existing housing; affording housing; overcoming stigmatization and discrimination; and sustaining housing. The appendix lists descriptions of several HUD and non-HUD programs, and provides a Housing Authority listing for the state of Kansas, by town. Also included are reading materials, sample sheets, and a listing of HUD publications, to familiarize the reader with what fair housing means, and what one needs to know in order to obtain housing (author).

Available From: University of Kansas School of Social Welfare, 1545 Lilac Lane, Lawrence, KS 66044, (785) 864-4720, www.socwel.ku.edu.

Order #: 1608

Authors: Mental Health Law Project.

Title: What Does Fair Housing Mean to People with Disabilities? A Guide for Advocates, Consumers, and Landlords.

Source: Washington, DC: Mental Health Law Project, 1991. (Report: 27 pages)

Abstract: This booklet was designed to provide information to persons with disabilities who are interested in renting or buying a home, whether privately or publicly owned. Landlords, housing administrators, real estate agents, and advocates for people with disabilities may also find the information contained in this booklet useful. The authors provide advice for recognizing housing discrimination and discuss the provisions and enforcement of the federal Fair Housing Amendment Act of 1988, including what is meant by "reasonable accommodation" for disabled persons. The appendices contain a sample HUD Housing Discrimination Complaint Form and referrals to contact for more information on housing rights including each of the regional HUD offices.

Available From: Judge David L. Bazelon Center for Mental Health Law (formerly the Mental Health Law Project), 1101 15th Street, NW, Suite 1212, Washington, DC 20005-5002, (202) 467-5730. (COST: \$3.00)

Order #: 2550

Authors: Mental Health Law Project.

Title: The Fair Housing Amendments and Local Land-Use Regulations Affecting People With Disabilities.

Source: Washington, DC: Mental Health Law Project, 1988. (Report: 6 pages)

Abstract: This report explains how the Fair Housing Amendments Act of 1988 protects individuals with disabilities from housing discrimination, whether the discrimination results directly from a blatant act or a seemingly neutral practice that has the effect of restricting housing opportunity. According to the authors, reasonable accommodations must be made to afford persons with disabilities the chance for community living. Dispersion requirements for group homes are prohibited; so are zoning requirements designed to keep them out of certain neighborhoods. Local governments may not impose special or conditional use permit requirements on group homes, and the feelings of neighbors cannot be used to block housing for persons with disabilities. The Fair Housing Amendments Act also protects persons with disabilities from being screened for housing in ways other applicants are not.

Available From: Bazelon Center for Mental Health Law, 1101 15th Street, NW, Suite 1212, Washington, DC 20005-5002, (202) 467-5730, www.bazelon.org.

Legal Issues
Section: Fair Housing, Zoning Issues, NIMBY

Order #: 6818

Authors: Moomaw, D.L.

Title: **The Mentally Disabled in the Institution and the Community: An Overview of the Difficulties of Psychiatric Care.**

Source: Dickinson Law Review 92: 947-979, 1988. (Journal Article: 33 pages)

Abstract: This article addresses two distinct issues concerning people who have mental disabilities. First, the right to treatment in an institution is discussed. Second, the ability of people who have mental disabilities to obtain zoning approval for group homes is addressed. The author concludes that the right of people with mental disabilities to receive treatment in any setting is not, as of yet, a constitutional guarantee. In an institution, however, the right to receive treatment is directly benefited by other constitutional rights. Similarly, in the community, people with mental disabilities' right to receive treatment is supported by the ability to obtain zoning approval for group homes. Zoning approval may not be automatic, but people with mental disabilities rights to this approval, and ultimately to treatment in the community, is also supported by the constitutional protections of the Fourteenth Amendment (author).

Order #: 400

Authors: Mueller, D.

Title: **The Effects of Group Homes on Neighboring Property: An Annotated Bibliography.**

Source: Washington, DC: Mental Health Law Project, 1987. (Bibliography: 13 pages)

Abstract: This bibliography includes 40 citations and brief descriptions of published and unpublished articles describing the impact of group homes on their neighborhoods. Also included are relevant court decisions. The citations support the development of group homes and provide concrete data to refute community opposition based on property value issues.

Order #: 12371

Authors: National Fair Housing Alliance.

Title: **National Fair Housing Alliance 2003 Fair Housing Trends Report.**

Source: Washington, DC: National Fair Housing Alliance, 2003. (Report: 11 pages)

Abstract: This report is based on 2002 complaint data compiled from National Fair Housing Alliance (NFHA) member agencies nationwide, the U.S. Department of Housing and Urban Development (HUD), the U.S. Department of Justice (DOJ) and 95 state and local government agencies. This report contains information about complaints only and does not reflect the actual incidence of housing discrimination in rental, sales, lending and insurance marketplaces (authors).

Available From: National Fair Housing Alliance, 1212 New York Avenue NW, Suite 525, Washington, DC 20005, (202) 898-1661, www.nationalfairhousing.org.

Legal Issues
Section: Fair Housing, Zoning Issues, NIMBY

Order #: 5771

Authors: National Law Center on Homelessness and Poverty.

Title: **Using the HUD Conplan Process and Federal Civil Rights Laws on Behalf of Homeless People: A Handbook.**

Source: Washington, DC: National Law Center on Homelessness and Poverty, 1996. (Guide: 43 pages)

Abstract: A reference for advocates and service providers, this handbook: (1) explains the current application process state and local jurisdictions must go through to obtain funds from the Department of Housing and Urban Development and how local organizations can participate in and influence the process; (2) provides examples of advocacy efforts which can serve as models for local organizations combating "Not In My Backyard" (NIMBY) sentiments and criminalization campaigns in their areas; (3) overviews the major civil rights statutes that affect housing and explains how to file complaints and what remedies are available; and (4) offers recommendations for service providers faced with local opposition to facilities (author).

Available From: The National Law Center on Homelessness & Poverty, 1411 K Street NW, Suite 1400, Washington, DC 20005, (202) 638-2535, www.nlchp.org (COST: \$25.00).

Order #: 7941

Authors: National Law Center on Homelessness and Poverty.

Title: **Access Delayed, Access Denied: Local Opposition to Housing and Services for Homeless People Across the United States.**

Source: Washington, DC: National Law Center on Homelessness and Poverty, 1997. (Report: 94 pages)

Abstract: This report examines "Not in My Backyard" (NIMBY) opposition and efforts to exclude housing and services for homeless people. The report discusses the results of a survey of 92 transitional housing providers in 71 U.S. cities and small towns and provides statistics on emergency shelter and transitional housing capacity. The report also analyzes the causes of NIMBY opposition, methods of exclusion, effects of NIMBY opposition on providers and homeless people, constructive resolutions of siting conflicts, and proactive efforts to reduce siting barriers. Summaries of relevant legal and legislative developments are provided and recommendations to the federal government, state and local governments, and service providers are made.

Available From: The National Law Center on Homelessness & Poverty, 1411 K Street NW, Suite 1400, Washington, DC 20005, (202) 638-2535, www.nlchp.org.

Order #: 5772

Authors: National Law Center on Homelessness and Poverty.

Title: **No Room for the Inn: A Report on Local Opposition to Housing and Social Service Facilities For Homeless People in 36 United States Cities.**

Source: Washington, DC: National Law Center on Homelessness and Poverty, 1995 (Report: 143 pages)

Abstract: The authors analyze "Not In My Backyard" (NIMBY) opposition to housing and services for homeless people at 61 locations in 36 jurisdictions across America. The report examines recent relevant case law and pending federal legislation which would make it impossible for service providers to receive federal base closure or surplus property, and which would limit the application of the Fair Housing Act. Social science literature regarding effects of facilities on neighborhoods is reviewed and recommendations to federal, state and local governments and local service providers are made (authors).

Available From: The National Law Center on Homelessness & Poverty, 1411 K Street NW, Suite 1400, Washington, DC 20005, (202) 638-2535, www.nlchp.org (COST: \$25.00).

Legal Issues
Section: Fair Housing, Zoning Issues, NIMBY

Order #: 2314

Authors: National Law Center on Homelessness and Poverty.

Title: **To Protect and Defend: Converting Military Housing and Other Federal Property to Help Homeless Americans.**

Source: Washington, DC: National Law Center on Homelessness and Poverty, 1994. (Report: 79 pages)

Abstract: This report provides a comprehensive overview of the Federal Surplus Property Program, a program authorized under Title V of the Stewart B. McKinney Act (1987), which makes unused government properties available to nonprofit organizations and local governments at no cost to serve homeless individuals. The report includes information on the history of the program, how properties are made available and used, as well as information on military base closure properties. Descriptions of over 40 programs using or approved to use property under Title V are also included. In addition, both local and federal barriers to the use of the program, such as inadequate implementation and outreach on the part of various federal agencies and Not-In-My-Backyard (NIMBY) opposition in local communities, are discussed. The report concludes with recommendations to make the program more effective including better dissemination of information to nonprofit organizations and a simplified application process.

Available From: The National Law Center on Homelessness & Poverty, 1411 K Street NW, Suite 1400, Washington, DC 20005, (202) 638-2535, www.nlchp.org.

Order #: 6812

Authors: Payne, J.M.

Title: **Fair Housing for the 1990s: The Fair Housing Amendments Act and the Ward's Cove Case.**

Source: Real Estate Law Journal 18: 307-342, 1990. (Journal Article: 35 pages)

Abstract: On March 12, 1989, the Fair Housing Amendments Act of 1988 came into force, dramatically changing the substance and procedure of Title VIII Fair Housing Act proceedings. On June 5, 1989 the U.S. Supreme Court significantly narrowed the use of statistical proof in establishing disparate impact under federal antidiscrimination laws. Although the case, Ward's Cove Packing Co., Inc. v. Antonio, involved a Title VII employment discrimination charge, it has bold implications for fair housing law as well. Together, the 1988 amendments and Ward's Cove define fair housing law for the decade of the 1990s (author).

Order #: 2193

Authors: Pepper, B.

Title: **Highlights in Fair Housing Law: Strengthening the Rights of People with Disabilities to Live in the Community of Their Choice.**

Source: Clearinghouse Review 26(11): 1458-1468, 1993. (Journal Article: 11 pages)

Abstract: This article discusses how the federal courts have substantially strengthened the rights to fair housing for individuals with disabilities. The author reviews various 1992 decisions that expanded the classes of individuals protected by the Fair Housing Amendment of 1988, and the private and public forms of discrimination now prohibited. The author also discusses several cases where an analytic framework was developed to guide plaintiffs in proving their claims of disability discrimination. Finally, the author reviews two decisions in which the defendants were ordered to pay both actual and punitive damages (author).

Legal Issues
Section: Fair Housing, Zoning Issues, NIMBY

Order #: 1135

Authors: Pepper, B., Milstein, B.

Title: **Rights of Tenants with Disabilities Under the Fair Housing Amendments Act of 1988.**

Source: Washington, DC: Mental Health Law Project, 1989. (Report: 20 pages)

Abstract: This 20-page booklet describes, in question-and-answer format, what tenants can expect when they apply for and live in public or private rental housing, what landlords must do to avoid illegally discriminating against applicants or tenants with physical or mental disabilities, and what a tenant can do if discrimination does occur. The booklet includes detailed notes and a sample fair housing complaint form.

Available From: Bazelon Center for Mental Health Law, 1101 Fifteenth Street, N.W., Suite 1212, Washington, DC 20005, (202) 467-5730, www.bazelon.org. (COST: \$2.50)

Order #: 5678

Authors: Petrila, J.

Title: **The Supreme Court's Ruling in Edmonds v. Oxford House: Implications for Group Homes.**

Source: Psychiatric Services 46(10): 1011-1012, 1995. (Journal Article: 2 pages)

Abstract: In a 1995 case, City of Edmond v. Oxford House, the U.S. Supreme Court held that a municipal ordinance establishing the maximum number of unrelated individuals who could reside in a single family home could be challenged by operators of a group home as discriminatory under the Fair Housing Act. The author explains that the ruling is important because such ordinances have been used as a barrier to the siting of some types of community residences for people who have mental disabilities. The author discusses implications and practical consequences of this ruling.

Order #: 2828

Authors: Petrila, J., Ayers, K.

Title: **Enforcing the Fair Housing Amendments Act to Benefit People With Mental Disability.**

Source: Hospital and Community Psychiatry 45(2): 156-160, 1994. (Journal Article: 5 pages)

Abstract: The authors examine representative court cases that have applied the Fair Housing Amendments Act of 1988 to restrictions related to people with mental disabilities. The court cases include those testing: (1) restrictions applicable only to people with mental disabilities; (2) restrictive covenants; (3) failure to make "reasonable accommodation;" (4) state and municipal laws that predate the 1988 act; and (5) exclusion because of dangerousness to others. The authors conclude that to date, the courts have been receptive to the use of the act in challenging laws and practices that create barriers for people with mental disability (authors).

Order #: 7220

Authors: Piltch, D., Anderson, A.

Title: **A Handbook on the Legal Obligations and Rights of Providers of Service-Program Housing Under Federal and State Disability Fair Housing Laws.**

Source: Boston, MA: Massachusetts Housing Finance Agency, 1997. (Guide: 7 pages)

Abstract: This guide features a series of charts that explain the obligations and rights of providers of disability housing under state and federal programs. The charts include termination and eviction requirements for various state and federal housing programs.

Available From: Massachusetts Housing Finance Agency, One Beacon Street, Boston, MA 02108, (617) 854-1000, www.mhfa.com.

Legal Issues
Section: Fair Housing, Zoning Issues, NIMBY

Order #: 5760

Authors: Platt, L.

Title: In Our Backyard.

Source: New York, NY: Corporation for Supportive Housing, 1996. (Videotape: 18 minutes)

Abstract: This is a 20-minute educational video about supportive housing in New York, Chicago and San Francisco. It features interviews with a broad spectrum of supporters, including police, neighbors, merchants, politicians, and a real estate developer. The video provides an introduction to supportive housing as well as to the people who live in it. The video was designed to counter "Not In My Backyard" (NIMBY) attitudes by providing hard information to community members who might oppose a project. Other audiences might include government representatives, funders, or the media. A 26-page tool kit for building community support for supportive housing is included.

Available From: Corporation for Supportive Housing, 50 Broadway, 17th Floor New York, NY 10004, (212) 986-2966, www.csh.org, (COST: \$15/rent).

Order #: 2554

Authors: Salkin, P.E., Armentano, J.M.

Title: The Fair Housing Act, Zoning, and Affordable Housing.

Source: The Urban Lawyer 25(4): 893-904, 1993. (Journal Article: 11 pages)

Abstract: This article reviews cases which have been decided under the Federal Fair Housing Act, especially those concerning the siting of group homes for people with disabilities. The cases reviewed illustrate how courts have applied the legal concepts of reasonable accommodation and disparate impact to grant injunctive relief against municipalities and, ultimately, to decide the cases before it. The article demonstrates how courts have had to balance local zoning requirements with the requirements of the Fair Housing Act. According to the authors, while the Fair Housing Act has proven itself to be a strong protection with regard to housing for disabled people, it has had little impact on zoning requirements which have restricted the development of affordable housing.

Order #: 415

Authors: Schonfeld, R.L.

Title: Not in My Neighborhood: Legal Challenges to the Establishment of Community Residences for the Mentally Disabled in New York State.

Source: Fordham Urban Law Journal 13(2): 281-331, 1984. (Journal Article: 51 pages)

Abstract: This article examines the laws and lawsuits which have affected the establishment of community residences for the mentally disabled in New York State. It discusses the history leading to passage of the Padavan Law in 1978. The Padavan Law sought to facilitate the development of community residences by giving municipalities input into site selection, thereby eliminating litigation over the establishment of residences. The statute resulted in numerous lawsuits which this report examines.

Legal Issues
Section: Fair Housing, Zoning Issues, NIMBY

Order #: 1202

Authors: Simring, R.B.

Title: **The Impact of Federal Antidiscrimination Laws on Housing for People with Mental Disabilities.**

Source: The George Washington Law Review 59(2): 413-450, 1991. (Journal Article: 38 pages)

Abstract: The purpose of this article is to dispel some of the ambiguities and to resolve the major interpretive dilemmas surrounding the application of section 504 and the Federal Housing Amendments Act (FHAA) in the area of housing discrimination against people with mental disabilities. The ensuing analysis compares and contrasts both sets of statutes and regulations, identifies areas of potential conflict, analyzes relevant case law, and proposes solutions to reconcile obvious discrepancies and to cure blatant omissions. As a guiding principle, this Note advocates that courts and HUD should view the FHAA as a symbol of Congress' renewed commitment to integrating people with disabilities into society and to ending discriminatory housing practices.

Order #: 6815

Authors: Sloan, C.

Title: **Constitutional Challenges to Section 812 of the Fair Housing Act.**

Source: Kentucky Law Journal 79: 585-615, 1990. (Journal Article: 30 pages)

Abstract: This article focuses on the perceived constitutional infirmities of Section 812 by first examining its statutory structure, and then determining whether the statute would survive scrutiny under Seventh Amendment and Article III challenges. Consideration is given to whether or not the administrative adjunction scheme of Section 812 is permissible under a theory of waiver. The author contends that it may be possible to waive the requirements of article III and the Seventh Amendment, yet permitting such a waiver is an injustice to the principle of the separation of powers.

Order #: 1165

Authors: Stavis, P.F.

Title: **Homeward Bound: The Developing Legal Right to a Home in the Community.**

Source: Quality of Care 48: 1, 3, 11, April-May, 1991. (Newsletter: 3 pages)

Abstract: This article discusses recent developments in site selection laws affecting mentally ill persons and their right to appropriate housing. Included is a discussion of the 1978 Padavan Law and the 1988 Fair Housing Amendments Act as they relate to the right to a home for people with mental disabilities.

Order #: 313

Authors: Steinman, L.D.

Title: **The Impact of Zoning on Group Homes for the Mentally Disabled: A National Survey.**

Source: Washington, DC: American Bar Association, 1986. (Report: 38 pages)

Abstract: This report summarizes an extensive survey of legislation and case law affecting zoning restrictions on group residences for mentally disabled individuals. The report highlights the federal constitutional perspective, state court litigation, and state legislation. Key issues in the legal debate, including the balance between client constitutional rights and local land use responsibilities, the definition of "family" in residential zoning districts, superseding local zoning ordinances, and dispersion requirements are discussed. A comprehensive appendix includes relevant statutes in 35 states.

Legal Issues
Section: Fair Housing, Zoning Issues, NIMBY

Order #: 12831

Authors: Technical Assistance Collaborative.

Title: **Federal Fair Housing Protections for People With Disabilities.**

Source: Opening Doors 5(1): 1-12, 1998. (Journal Article: 12 pages)

Abstract: This article provides an overview of the federal housing laws that protect the rights of people with disabilities to live in housing and communities of their choice. The authors assert that affordable housing resources are critical to assist people with disabilities to afford housing in communities of their choice, yet equally important is an understanding of the protections available to people with disabilities as they seek to live productive and integrated lives in the community. It is with this reasoning, that the authors describe each federal housing law, and discuss what protections each provides (authors).

Order #: 12251

Authors: United States Department of Housing and Urban Development.

Title: **Fair Housing: Equal Opportunity for All.**

Source: Washington, DC: U.S. Department of Housing and Urban Development, 2002. (Guide: 13 pages)

Abstract: This guide provides a thorough description of the Fair Housing Act. The Department of Housing and Urban Development (HUD) enforces the Fair Housing Act and the other federal laws that prohibit discrimination and the intimidation of people in their homes. These laws cover virtually all housing in the United States - private homes, apartment buildings, and condominium developments - and nearly all housing transactions, including the rental and sale of housing and the provision of mortgage loans. Equal access to rental housing and homeownership opportunities is the cornerstone of this nation's federal housing policy. Landlords who refuse to rent or sell homes to people based on race, color, national origin, religion, sex, familial status or disability are violating federal law, and HUD will vigorously pursue them. HUD is committed to ensuring that for everyone seeking a place to live, all housing is fair (authors).

Available From: U.S. Department of Housing and Urban Development, 451 7th Street, SW, Washington, DC 20410, www.hud.gov/.

Order #: 2110

Authors: United States Department of Housing and Urban Development.

Title: **Fair Housing: It's Your Right.**

Source: Washington, DC: Office of Fair Housing and Equal Opportunity, 1993. (Brochure: 9 pages)

Abstract: Written in both English and Spanish, this brochure summarizes consumer's rights under the Fair Housing Amendment Act of 1988. It covers key topics including what housing is covered under the Act and what type of protection persons with disabilities receive, among others. A Housing Discrimination Complaint Form is enclosed.

Available From: Office of Fair Housing and Equal Opportunity, Room 5116, Department of Housing and Urban Development, 451 Seventh Street S.W., Washington, DC 20410-2000, (800) 669-9777
<http://www.hud.gov/offices/fheo/index.cfm>.

Legal Issues
Section: Fair Housing, Zoning Issues, NIMBY

Order #: 2528

Authors: United States Department of Justice.

Title: **United States Versus the City of Philadelphia: (838 F.Supp. 233).**

Source: Washington, DC: U.S. Department of Justice, Civil Rights Division, 1993. (Report: 9 pages)

Abstract: This court decision orders the City of Philadelphia to issue a zoning and use permit that would allow Project Home to rehabilitate a building as permanent housing for people with serious mental illnesses. The City had originally denied the permit on the grounds that the building could not meet the zoning requirement of having a backyard. The Court found that the City was bound to accept the substitution of a sideyard in order to comply with the Fair Housing Amendment Act of 1988, which requires that reasonable accommodations be made so that people with disabilities can live in the community.

Available From: U.S. Department of Justice, Housing and Civil Enforcement Section, 950 Pennsylvania Avenue NW, Washington, DC 20530, (202) 514-4713, www.usdoj.gov.

Order #: 1639

Authors: United States General Accounting Office.

Title: **Analysis of Laws Governing Rights of Mentally Disabled Persons to Reside in Federally Subsidized Housing for the Elderly.**

Source: Washington, DC: U.S. General Accounting Office, 1992. (Report: 32 pages)

Abstract: This report addresses various legal issues concerning the rights of nonelderly persons with mental disabilities to reside in federally subsidized housing for the elderly. The authors take into account the Social Security Act and examine the provisions of two antidiscrimination laws -- the Rehabilitation Act of 1973 and the Fair Housing Act, as amended in 1988. The authors also review relevant case law.

Available From: U.S. General Accounting Office, 441 G Street, NW, Washington, DC 20548, (202) 512-4800, www.gao.gov.

Order #: 1203

Authors: Wagman-Roisman, F.

Title: **Establishing a Right to Housing: An Advocate's Guide.**

Source: Washington, DC: National Support Center for Low Income Housing, 1991. (Report: 55 pages)

Abstract: This paper reviews recent developments promoting recognition of a legally enforceable right to housing provided by a unit of government. It discusses various state and local statutory bases for compelling the provision of housing and housing assistance. While housing is an essential component of any solution to homelessness, advocates generally agree that interdisciplinary work is necessary, both to establish entitlement to housing or housing aid and to secure various services homeless people may need. This article attempts to facilitate the development of an interdisciplinary basis for governmental liability.

Available From: National Support Center for Low Income Housing, 1012 14th St., NW, 12th Floor, Washington, DC 20005, <http://www.nlihc.org>.

Legal Issues
Section: Fair Housing, Zoning Issues, NIMBY

Order #: 6129

Authors: Zanner, K.J.

Title: **Dispersion Requirements for the Siting of Group Homes: Reconciling New York's Padavan Law with the Fair Housing Amendments Act of 1988.**

Source: Buffalo Law Review 44(1): 249-282, 1996. (Journal Article: 33 pages)

Abstract: The author explains that the deinstitutionalization of individuals who have mental and physical handicaps through the use of residential group home settings has generated a great deal of controversy in recent years. Municipalities and siting agencies have struggled to integrate these individuals into residential communities often encountering the familiar cry of "Not In My Backyard." This article discusses the Padavan Law which attempts to balance the housing rights of individuals with mental handicaps and the interest of the community in where the home is to be located, its history and purpose, and constitutional challenges to the law. Federal legislation, including the Fair Housing Act (FHA) of 1988, is analyzed with particular attention to the language of the house report which provides strong evidence that dispersion requirements violate the FHA. The interaction between the New York's siting procedure and the FHA is also discussed in relation to the Padavan Law.

Legal Issues

Section: General Legal and Policy Issues

Order #: 12978

Authors: Abrahamson, D., Steele, A., Abrahamson, L.

Title: Practice, Policy and Parity: The Politics of Persistence.

Source: Professional Psychology: Research and Practice 34(5): 535-539, 2003. (Journal Article: 5 pages)

Abstract: The road to comprehensive mental health parity legislation at the state level often reaches a dead end when mental health advocates are forced to compromise by accepting partial parity for "severe mental illness" (SMI) only. In 1999 Connecticut became the first state to modify a biologically based or SMI mental health parity law into comprehensive mental health and substance abuse parity legislation. This article chronicles the fight for mental health parity in Connecticut and discuss subtleties of legislative advocacy. This information should prove useful to psychologists who are pursuing parity in other states (authors).

Order #: 277

Authors: Appelbaum, P.S.

Title: Legal Issues.

Source: In Talbott, J.A. (ed.), The Chronic Mental Patient Five Years Later. New York, NY: Grune and Stratton, 1984. (Book Chapter: 14 pages)

Abstract: This chapter reviews legal issues affecting the chronically mentally ill patient. The author summarizes the growing movement toward easing commitment procedures and discusses the right to treatment and the right to refuse treatment.

Order #: 2073

Authors: Appelbaum, P.S.

Title: Legal Issues Relevant to Homelessness and the Severely Mentally Ill Population.

Source: Worcester, MA: University of Massachusetts Medical Center, 1991. (Report: 36 pages)

Abstract: This paper was prepared for the Federal Task Force on Homelessness and Severe Mental Illness, in preparation for the publication Outcasts on Main Street. The paper offers a critical review of certain legal remedies that might ameliorate the situation of homeless mentally ill persons. It focuses on issues related to the provision of mental health treatment, and does not consider measures related solely to shelter and housing access. Since no single remedy is likely to solve the multi-faceted problems associated with homelessness, the emphasis is on identifying measures that might make an incremental contribution to the effort (author).

Available From: University of Massachusetts Medical Center, 55 Lake Avenue North, Worcester, MA 01655, (508) 856-4147.

Order #: 278

Authors: Bach, J.P.

Title: Requiring Due Care in the Process of Patient Deinstitutionalization: Toward a Common Law Approach to Mental Health Care Reform.

Source: Yale Law Journal 98: 1153-1172, 1989. (Journal Article: 20 pages)

Abstract: This article considers the possibility of using the common law of torts to promote reforms in the patient discharge process and in the subsequent provision of community care. Specifically, common law tort doctrine can remedy the many instances in which patients have been discharged directly to city streets, without shelter or supervision, after the hospital has made no significant attempt to arrange for some form of continuing community support. The recognition of liability in such cases would establish a doctrinal base which subsequent common law rulings could incrementally extend to address other more subtle forms of abuse. Findings of liability could also prompt further legislative action aimed toward securing a more adequate provision of community care (Bach, J.P., 1989).

Legal Issues

Section: General Legal and Policy Issues

Order #: 5764

Authors: Beatty, C.A., Haggard, L.K.

Title: Legal Remedies to Address Discrimination Against People Who Are Homeless and Have Mental Illnesses.

Source: Rockville, MD: Center for Mental Health Services, 1996. (Report: 78 pages)

Abstract: The purpose of this report is to describe the myriad ways in which people who are homeless and have mental illnesses may be discriminated against. It also proposes appropriate legal remedies. The first section describes changing public attitudes toward homeless people. It then examines the potential discriminatory effects of anti-panhandling laws, laws that regulate public sleeping and camping, and property loss resulting from enforcement of these laws. Various foundations in the U.S. Constitution for challenging these forms of discrimination, including the First Amendment's free speech guarantee, the Fourteenth Amendment's Equal Protection and Due Process clauses, the Eighth Amendment's prohibition for cruel and unusual punishment, and the Fourth Amendment's right to be free from unreasonable searches and seizures are also examined. The report explores federal legislation prohibiting discrimination based on disability (authors).

Available From: National Resource Center on Homelessness and Mental Illness, Policy Research Associates, Inc., 345 Delaware Avenue, Delmar, NY 12054, (800) 444-7415, www.nrchmi.samhsa.gov.

Order #: 403

Authors: Belcher, J.R.

Title: Rights Versus Needs of Homeless Mentally Ill Persons.

Source: Social Work 37: 398-402, 1988. (Journal Article: 5 pages)

Abstract: Homeless mentally ill persons have unique patterns of participation in the mental health system. Providing effective intervention and maintaining the rights of such individuals can pose ethical and moral dilemmas for social workers. The interpretation of commitment legislation and the impact of narrow interpretation on these individuals is examined. Service providers need to weigh client rights to self-determination against immediate survival needs and the potential mental restoration that could be provided through commitment to a psychiatric hospital (author).

Order #: 360

Authors: Birkinshaw, P.

Title: Homelessness and the Law - The Effects and Response to Legislation.

Source: Urban Law and Policy 5: 255-295, 1982. (Journal Article: 41 pages)

Abstract: This article examines the reactions of local authorities and their representative bodies to England's Housing (Homeless Persons) Act of 1977. It also examines the effects of a spate of judicial decisions interpreting the Act. The argument is advanced that in the context of a housing and homeless crisis and greater central government control of local authority expenditure, the combination of judicial decisions and local authority practice has been largely to reduce the extent of the duties as intended by the proponents of the Bill to which Parliament assented (author).

Legal Issues
Section: General Legal and Policy Issues

Order #: 2083

Authors: Blasi, G., Preis, J.

Title: **Litigation on Behalf of the Homeless.**

Source: In Robertson, M.J., and Greenblatt, M. (eds.), *Homelessness: A National Perspective*. New York, NY: Plenum Press, 1992. (Book Chapter: 13 pages)

Abstract: The authors discuss the role litigation has played in influencing policies that affect homeless people. Right to shelter, income maintenance, and adequacy of services are among the areas discussed. The Los Angeles, California, litigation experience is used to illustrate how litigation has been used. The authors discuss the need for two different approaches to litigation - individual advocacy and systemic change.

Order #: 322

Authors: Blasi, G.L.

Title: **Litigation on Behalf of the Homeless: Systematic Approaches.**

Source: *Journal of Urban and Contemporary Law* 31: 137-142, 1987. (Journal Article: 6 pages)

Abstract: The author discusses litigation on behalf of the homeless. Although the examples used in this article are primarily from Los Angeles, conversations with advocates across the country suggest that the processes at work in Los Angeles are nearly universal (author).

Order #: 12891

Authors: Center for Law and Social Policy.

Title: **Every Door Closed Fact Sheet Series. An Action Agenda.**

Source: Washington, DC: The Center for Law and Social Policy, 2003. (Fact Sheet Series: 16 pages)

Abstract: Each year, approximately 400,000 mothers and fathers finish serving prison or jail sentences and return home eager to rebuild their families and their lives. As these parents struggle to make a fresh start, they encounter many legal barriers that will make it very difficult for them to successfully care for their children, find work, get safe housing, go to school, access public benefits, or even, for immigrants, stay in the same country as their children. This new set of 8 two-page fact sheets, a joint project of CLASP and Community Legal Services, Inc., of Philadelphia, details the scope of the challenges these families face and offers solutions for federal, state, and local policymakers. The titles are: Facts about Parents with Criminal Records; Ex-Offenders Thwarted in Attempts to Earn a Living; Low-Income Families Barred from Housing Because of Criminal Records; Lift the Ban on Financial Aid for Higher Education; Making Public Benefits Accessible to Parents with Criminal Records; Ex-Offenders Struggle with Child Support Obligations; Helping Incarcerated Parents Stay Involved with their Children; and Immigration Consequences of Contact with the Criminal Justice System (authors).

Available From: The Center for Law and Social Policy, 1015 15th Street, NW, Suite 400, Washington, DC 20005, (202) 906-8000, www.clasp.org.

Order #: 275

Authors: Chackes, K.M.

Title: **Sheltering the Homeless: Judicial Enforcement of Governmental Duties to the Poor.**

Source: *Journal of Urban and Contemporary Law* 31: 155-199, 1987. (Journal Article: 45 pages)

Abstract: Lacking the basic necessities of life, health, and safety, homeless people in America are the poorest of the poor. Many states have imposed upon themselves or their political subdivisions the duty to care for poor inhabitants. This article explores the enforceability of these governmental duties as a means of obtaining assistance for the homeless (author).

Legal Issues
Section: General Legal and Policy Issues

Order #: 2096

Authors: Christensen, H.

Title: **Trusts For People With Disabilities: A Public/Private Initiative .**

Source: Albany, NY: New York State Office of Mental Health, 1992. (Report: 41 pages)

Abstract: Presented at a conference for attorneys and mental health advocates, this report discusses how and why public and private initiatives are essential to developing future care programs for persons with mental disabilities. Topics discussed include: the state of law in New York regarding asset preservation for the disabled person; various state and private programs available in the United States that provide lifelong care and financial management to disabled people; and the problem of finding suitable trustees to administer funds (author).

Available From: New York State Office of Mental Health, 44 Holland Avenue, Albany, NY 12229, (518) 474-1684, www.omh.state.ny.us.

Order #: 6758

Authors: Coates, R.C.

Title: **Legal Rights of Homeless Americans.**

Source: University of San Francisco Law Review 24: 297-362, 1990. (Journal Article: 65 pages)

Abstract: The author describes case law and litigation concerning the legal rights that lawyers have struggled to secure for homeless Americans. The purpose of this article is to outline the litigation strategies that lawyers can and must use to assist people who are homeless while also affecting overall solutions to homelessness. Much of the article is devoted to litigation in California, New York, New Jersey and Massachusetts. Statutory provisions in California that provide people who are homeless with only a semblance of the legal rights which most other Americans take for granted are examined. Other topics discussed include: approaches to litigation; specific areas of litigation; inadequacy of general relief amounts; homeless people who have mental illnesses; keeping families with children together; the Not In My Back Yard syndrome (NIMBY); and issues of which the modern homeless advocate must be aware. The article concludes that lawyers and litigation are crucial to efforts to assist otherwise powerless Americans who are homeless.

Order #: 330

Authors: Cohen, N.L., Marcos, L.R.

Title: **Psychiatric Care of the Homeless Mentally Ill.**

Source: Psychiatric Annals 16(2): 729-732, 1986. (Journal Article: 4 pages)

Abstract: The authors of this article discuss the growing number of homeless mentally ill persons, the legal barriers to treatment, and the "revolving door" of inpatient care. They review the trend toward strict criteria for involuntary treatment and the recent shift toward providing involuntary care to seriously impaired individuals. The New York City Homeless Emergency Liaison Project (Project HELP) and the Mayor's emergency cold weather announcement that broadened police powers to transport homeless people for involuntary medical and psychiatric evaluation are described and discussed.

Legal Issues
Section: General Legal and Policy Issues

Order #: 328

Authors: Collin, R.W.

Title: Homelessness: The Policy and the Law.

Source: The Urban Lawyer 16(2): 317-329, 1984. (Journal Article: 13 pages)

Abstract: This article discusses deinstitutionalization as a cause of homelessness. The author presents the history of the Callahan decree of 1979, in New York City and cites it as evidence of the limitations of the courts to provide solutions to homelessness. He concludes that court cases may be helpful in bringing public attention to homelessness, but legislation and a sound human service planning process are needed to end homelessness (author).

Order #: 757

Authors: Durham, M.L.

Title: The Impact of Deinstitutionalization on the Current Treatment of the Mentally Ill.

Source: International Journal of Law and Psychiatry 12: 117-131, 1989. (Journal Article: 15 pages)

Abstract: This article analyzes the impact of deinstitutionalization on the current treatment of the mentally ill in the United States. It begins with a brief review of the historical precedents which led to deinstitutionalization, the expectations associated with the policy, and the problems that surfaced in its wake. It also predicts the next cycle of reform in mental health law in the United States. Special attention is given to how the criminal justice system has dealt with individuals who have mental illnesses since deinstitutionalization began (author).

Order #: 6804

Authors: Early, J.

Title: The Legal Plight of the American Bedouin: A Narrowly Interpreted Fourth Amendment Fails to Protect the Privacy of the Homeless.

Source: Wayne Law Review 39: 155-182, 1992. (Journal Article: 29 pages)

Abstract: This article examines the privacy interests that the Fourth Amendment protects and how those interests are exposed to unreasonable intrusions if a person becomes homeless. The author reviews the historical origins of the protections against search and seizure incorporated in the Fourth Amendment, identifying when the legal elements of the Fourth Amendment developed and explaining how these principles have changed since passage of the U.S. Constitution. An analysis on how the law is applied today is compared with the policy goals of the Amendment. The issues in Connecticut v. Mooney are compared with other cases that reveal the limits of the Fourth Amendment protection. The author argues that a refined legal right of privacy will protect the homeless from unreasonable searches and still satisfy the necessities of law enforcement (author).

Legal Issues
Section: General Legal and Policy Issues

Order #: 6747

Authors: Eisenberg, T.S.

Title: Connecticut v. Mooney: Can a Homeless Person Find Privacy Under a Bridge?

Source: Pace Law Review 13: 229-267, 1993. (Journal Article: 38 pages)

Abstract: In the case Connecticut v. Mooney, the court faced the issue of whether the defendant had a reasonable expectation of privacy in his makeshift home. The author describes the background of the Fourth Amendment and describes the current scope of the homelessness crisis as it relates to the Fourth Amendment and to societal understanding of homelessness. The author also examines the unusual facts of Mooney. The reasoning of the majority and dissenting opinions and their degree of reliance on the defendant's homelessness in assessing the defendant's expectation of privacy within his possessions are analyzed. The author proposes that societal understanding of the privacy associated with a "home" afford an expectation of privacy to a homeless individual in the area the individual reasonably considers "home." The author concludes that an expectation of privacy by the homeless in their "homes" may be considered reasonable if the area is clearly recognizable by a reasonable person as a home that conveys an expectation of privacy, and should therefore be protected by the Fourth Amendment.

Order #: 2055

Authors: Government Law Center.

Title: Developing a Program For Future Care Planning For Persons With Mental Disabilities.

Source: Albany, NY: Albany Law School, 1992. (Conference Summary: 143 pages)

Abstract: In September 1992, a conference was held to discuss future care planning for persons with mental disabilities. This conference brought together attorneys, legislators, policy makers, advocates and family members to examine the use of trusts as an effective estate planning device to help ensure the future care of mentally ill and developmental disabilities.

Available From: The Government Law Center, 80 New Scotland Avenue, Albany, NY 12208-3494, (518) 445-2329. (COST: \$15.00)

Order #: 6817

Authors: Hershkoff, H., Cohen, A.S.

Title: Begging to Differ: The First Amendment and the Right to Beg.

Source: Harvard Law Review 104: 896-916, 1991. (Journal Article: 22 pages)

Abstract: This article argues that begging is fully protected speech. The authors argue that the values underlying the First Amendment support begging as protected speech. It is demonstrated that begging fits within Supreme Court case law that protects the right to solicit charitable contributions and that it cannot be restricted as commercial speech or banned as conduct or offensive speech. The authors suggest that the same considerations that make begging troubling to many listeners also make it a particularly valuable form of speech, implicating what this article calls an "engagement" function of speech (authors).

Legal Issues
Section: General Legal and Policy Issues

Order #: 6285

Authors: HomeBase.

Title: **On the Streets and in the Shelters: Legal and Policy Issues Affecting People Who Live In Public Space and Homeless Shelters.**

Source: San Francisco, CA: HomeBase, 1992. (Manual: 204 pages)

Abstract: This manual discusses some of the legal problems homeless people encounter because they lack stable housing. The manual defines the problem, lays out applicable law, and discusses possible solutions. Chapter One looks at methods to challenge municipal policies. Chapter Two analyzes the various sources which govern the health and safety conditions in emergency shelters. Chapter Three discusses the due process rights of residents in shelters, and the need for grievance procedures. While the manual focuses on California law, the issues and analyses are relevant to all homeless people in America.

Available From: HomeBase, 870 Market Street, Suite 1228, San Francisco, CA 94102, (415) 788-7961, www.homebaseccc.org.

Order #: 1558

Authors: Homeless Task Force.

Title: **Homelessness in America: A Litigation Memorandum for Legal Services Advocates.**

Source: Chicago, IL: National Clearinghouse for Legal Services, Inc., 1986. (Report: 84 pages)

Abstract: The purpose of this report is to describe litigation for homeless people. Case law is largely undeveloped and principles are very general in the realm of rights of homeless individuals. This occurs partly because the area is relatively new and partly because the absence of clear statutory law has forced the development of creative theories of liability. Such case law as exists often stops short of a determination on the merits of legal claims. Nonetheless, it creates authority which can enable an advocate to get into court on behalf of clients, to obtain preliminary relief, and to negotiate a settlement with the government defendant (authors).

Order #: 2204

Authors: Hospital and Community Psychiatry Service.

Title: **Rights of the Mentally Disabled: Statements and Standards.**

Source: Washington, DC: American Psychiatric Association, 1988. (Brochure: 60 pages)

Abstract: This booklet contains an updated collection of statements and standards concerning the legal and ethical rights of persons with mental disabilities. The booklet includes the United Nations Declaration on the rights of mentally retarded persons, the Protection and Advocacy for Mentally Ill Individuals Act of 1986, as well as statements of patients' rights in long-term care facilities and in the public health system. In addition, the publication includes a list of periodicals relevant to patients' rights, an updated bibliography, a directory of advocacy projects, and a listing of patient/consumer groups.

Legal Issues
Section: General Legal and Policy Issues

Order #: 1084

Authors: Isaac, R.J., Armat, V.C.

Title: **Madness in the Streets: How Psychiatry and the Law Abandoned the Mentally Ill.**

Source: New York, NY: The Free Press, 1990. (Book: 436 pages)

Abstract: The authors trace the history of deinstitutionalization and discuss its consequences on those mentally ill people discharged into the community over the past 30 years. Numerous case studies are presented to illustrate the effects of cultural and political forces that caused so many of the mentally ill to become homeless and that continue to create barriers to addressing the needs of this population. The authors examine the origins of 'anti-psychiatry' and the Right to Refuse Treatment, review the history of Community Mental Health Centers (CMHC) and the rise of the ex-patient movement, as well as discuss the criteria for involuntary commitment.

Available From: Free Press, 866 3rd Avenue, New York, NY 10022, (212) 702-2000.

Order #: 2117

Authors: Jarrett, B.D., Daniels, W.

Title: **Law and the Homeless: An Annotated Bibliography.**

Source: Miami, FL: University of Miami, 1992. (Bibliography: 139 pages)

Abstract: This annotated bibliography contains publications concerning law and homelessness in the United States. Primary sources, such as court decisions, are not included. The bibliography is organized into sections on general information on homelessness, legal rights, the right to vote, criminal issues, emergency shelter, low-income housing, income maintenance, and homeless persons with mental disabilities (authors).

Available From: Sargent Shriver National Center on Poverty Law, Inc., 111 N. Wabash, Suite 500, Chicago, Illinois, 60602, (312) 263-3830, www.povertylaw.org.

Order #: 1643

Authors: Johnson, A.K., Kreuger, L.W., Stretch, J.J.

Title: **A Court-Ordered Consent Decree for the Homeless: Process, Conflict and Control.**

Source: Journal of Sociology and Social Welfare 16(3): 29-42, 1989. (Journal Article: 14 pages)

Abstract: A 1985 class action suit on behalf of homeless individuals living in the City of St. Louis, mandates both short- and long-term services to homeless persons. These court-ordered requirements bring together an interesting tripartite system: (a) the adversarial and justice-oriented legal system, (b) the highly political city government, and (c) the traditionally voluntary system of human service providers. Service provision to the homeless, the utility of advocacy, privatization, and the ethics of public disclosure are examined from a sociological conflict and control perspective. The St. Louis experience provides guidance for communities wishing to engage the legal, political, and social service delivery systems on behalf of the complex needs of the homeless (authors).

Order #: 452

Authors: Kanter, A.S.

Title: **Homeless Mentally Ill People: No Longer Out of Sight and Out of Mind.**

Source: New York Law School Human Rights Annual 3(2):331-357, 1986. (Journal Article: 26 pages)

Abstract: This article discusses the extent to which deinstitutionalization may have contributed to the increased homeless population. The article reviews the events leading up to deinstitutionalization, such as landmark lawsuits, and discusses obstacles to the establishment of comprehensive services for the homeless mentally ill. The article also reviews current litigation efforts that seek to establish the right to service in the community for people who need mental health care.

Legal Issues
Section: General Legal and Policy Issues

Order #: 2263

Authors: Kanter, A.S.

Title: Homeless but Not Helpless: Legal Issues in the Care of Homeless People with Mental Illness.

Source: Journal of Social Issues 45(3): 91-104, 1989. (Journal Article: 8 pages)

Abstract: This article presents the argument that deinstitutionalization is not a primary cause of increased homelessness in the United States. The article reviews the issues related to the current trends in public policy including involuntary commitment, mandatory outpatient commitment, and forcible transport of homeless individuals to emergency wards of psychiatric hospitals. The author contends that these types of policy decisions will not end homelessness, nor will they provide mentally ill homeless individuals with what they need most: affordable housing and comprehensive supportive services (author).

Order #: 2728

Authors: Klapper, A.B.

Title: Finding A Right In State Constitutions for Community Treatment of the Mentally Ill.

Source: University of Pennsylvania Law Review 142(639): 739-835, 1993. (Journal Article: 97 pages)

Abstract: This article explores the legal rights of persons with mental illnesses to community treatment as set forth by state constitutions. Part I traces the history of civil commitment in the United States, detailing the factors leading up to deinstitutionalization, the failures of deinstitutionalization, and the retrenchment of rights in the 1980s and 1990s. Part II begins by exploring the concept of least restrictive alternatives and its connection with the doctrine of community-based alternatives. Part III details the inadequacy of federal statutory and state statutory laws in effectively protecting persons with mental illnesses within the community. Part IV urges advocates for persons with mental illnesses to rely on state constitutionalism in order to preserve the liberty interests of their clients. Part V proposes several ways in which the due process and equal protection provisions of state constitutions can serve this end (author).

Order #: 3000

Authors: Krauthammer, C.

Title: How To Save The Homeless Mentally Ill.

Source: New Republic 198(6): 22-25, 1988. (Journal Article: 4 pages)

Abstract: This article discusses the New York City 1988 initiative of forcibly taking homeless individuals with serious mental illnesses off the street to psychiatric hospitals and the ensuing case brought against the city by Joyce Brown for her forcible hospitalization. The author claims that the standard for involuntary commitment of homeless individuals with serious mental illnesses is wrong. In order to override the liberty of those with serious mental illnesses, the city should not be forced to claim that life is at stake, but rather that a minimal human dignity is at stake (author).

Order #: 198

Authors: Lamb, H.R.

Title: Deinstitutionalization and the Homeless Mentally Ill.

Source: In Lamb, H.R. (ed.), The Homeless Mentally Ill: A Task Force Report. Washington, DC: American Psychiatric Press, 1984. (Book Chapter: 20 pages)

Abstract: This article reviews the history and effects of the deinstitutionalization movement. The author sees a need for legal reforms which would permit involuntary commitment in structured, controlled (community) environments for patients unresponsive to outreach and case management. The author recommends several changes, including a program to care appropriately for homeless individuals who have mental illnesses, as well as revisions to the definition of successful outcomes for homeless patients.

Legal Issues
Section: General Legal and Policy Issues

Order #: 241

Authors: Lamb, H.R. (ed.)

Title: **The Homeless Mentally Ill: A Task Force Report.**

Source: Washington, DC: American Psychiatric Association, 1984. (Book: 320 pages)

Abstract: This volume by the American Psychiatric Association (APA) assembles the results of the first attempts to study homeless persons with mental illnesses; begins to document their complex unmet needs; and proposes solutions, both short-term and long-term, that must be incorporated into a comprehensive public policy if we are to adequately address the current problem. The 14 chapters provide a summary of the problems of this population and recommendations for improving programs to help them; an analytical review of literature about mental health services provided in the past; a discussion of deinstitutionalization and its ramifications; a characterization of homeless individuals with mental illnesses; suggestions for providing better service, housing, clinical help, and support systems for these patients; and a discussion of medical, legal, and political aspects of homelessness (author).

Available From: American Psychiatric Press, Inc., 1400 K Street, NW, Washington, DC 20005, (800) 368-5777. (COST: \$10.95)

Order #: 6721

Authors: Langdon II, J.K., Kass, M.A.

Title: **Homelessness in America: Looking for the Right to Shelter.**

Source: Columbia Journal of Law & Social Problems 19: 305-392, 1985. (Journal Article: 87 pages)

Abstract: This article evaluates the manner in which the legal system has addressed the problem of homelessness, and recommends a more effective approach to its solution. Section 1 discusses the extent and causes of homelessness, details the lifestyle of people who are homeless, and examines governmental responses to the problem. In section 2 the authors survey state laws relating to the provision of temporary emergency shelter to people who are homeless. Section 3 presents a case study of a successful lawsuit in New York, and evaluates the effectiveness of litigation as a means for securing a right to shelter. Finally, section 4 discusses alternatives to litigation and proposes federal legislation designed to facilitate the provision of shelter in every state for people who are homeless (authors).

Order #: 7291

Authors: Loseke, D.R.

Title: **Writing Rights: The 'Homeless Mentally Ill' and Involuntary Hospitalization.**

Source: In Best, J. (ed.), Images of Issues: Typifying Contemporary Social Problems. New York, NY: A. De Gruyter, 261-285, 1995 (Book Chapter: 25 pages)

Abstract: This article examines the controversies surrounding a policy of removing people who are homeless and who have mental illnesses from the streets of New York City in the 1980s. The author uses a social constructionist perspective. This perspective examines how socially constructed images of condition and people (such as the "homeless mentally ill") serve as justifications for public policies. Using this perspective, the author explores the roots of these controversies and specifically examines how, in a series of articles, the New York Times constructed the morality of a resolution to policy debates concerning people who are homeless and who have mental illnesses.

Legal Issues
Section: General Legal and Policy Issues

Order #: 3854

Authors: Main, T.J.

Title: **The Homeless of New York.**

Source: Public Interest 72: 3-28, 1983. (Journal Article: 25 pages)

Abstract: This article is focused on shelter issues, such as legal matters, advocacy, improving the shelter system, economic factors, alcohol and drug abuse, and people with mental illnesses. The author suggests that shelters are not a straightforward response to homelessness, rather they are residual institutions that deal with a variety of interdependent problems that other welfare institutions avoid. The author contends that there are three different problems in New York City involving the homeless: the first with former patients from psychiatric facilities, the second with alcohol and drug abusers, and the third deal with individuals in economic poverty. The case of Callahan v. Carey is discussed, as well as the Keener study report of 173 men living in the Keener shelter in New York City.

Order #: 1854

Authors: Malone, M.

Title: **Homelessness in a Modern Urban Setting.**

Source: Fordham Urban Law Journal 10: 749-780, 1982. (Journal Article: 32 pages)

Abstract: This article traces the historic causes of homelessness, examines the purposes behind vagrancy and loitering statutes, and explores the reasons why such laws have proven to be inadequate to cope with the current dimension of the problem. The actions taken in New York relating to the homeless, including the consent decree of 1981, are analyzed and suggestions which may be applicable to all municipalities are offered. This article concludes that the legal doctrine of "parens patriae," combined with the policies behind several existing provisions of the New York State Mental Health and Social Services Laws, is a basis upon which further additions to the New York State Social Services laws should be made (author).

Order #: 967

Authors: Marcos, L.R.

Title: **Political Psychiatry: The New York City Homeless Mentally Ill Initiative.**

Source: Administration and Policy in Mental Health 18(2): 81-90, 1990. (Journal Article: 10 pages)

Abstract: Using an example from New York City, this article illustrates the dynamics of political psychiatry, its role in the formulation of public mental health policy, and how mental health professionals can interact with the political process to bring about new public policies. The authors also discuss the extent to which the lives of severely mentally ill persons are affected by many aspects of public and professional politics. Although the focus of this article is on the interactions between mental health professionals and the political process in New York City, the issues involved are national in scope and, as such, the dynamics can be easily extended to similar situations in other locales.

Legal Issues
Section: General Legal and Policy Issues

Order #: 12353

Authors: McKee, P.

Title: **An Advocate's In-Depth Guide to Social Security and SSI Disability Benefits and Procedures.**

Source: Seattle, WA: Theiler, Douglas, Drachler & McKee, LLP, 2000. (Presentation: 81 pages)

Abstract: This material was presented in conjunction with a live presentation on Social Security disability, and are intended to give an in-depth understanding of Social Security; one of the federal programs that is frequently asked to address the needs of the physically and mentally disabled. This material contains basic facts and an overview of SSA and SSI, as well as information on applications and the administrative process, Social Security lawyers, Medical provider's questions and a medical writing guide (author).

Available From: Theiler, Douglas, Drachler & McKee, 1904 Third Avenue, Suite 1030, Seattle, WA 98104, (206) 623-0900, tddm@aol.com.

Order #: 2513

Authors: MFY Legal Services, Inc.

Title: **Rights of Adult Home Residents: Handbook for Adult Home Residents in New York City.**

Source: New York, NY: MFY Legal Services, Inc., Community Support Systems Program, 1991. (Guide: 49 pages)

Abstract: Using a question and answer format, this guide reviews the legal basis of adult home resident rights, what they are (including a residents' bill of rights), and how they are enforced in New York City. These rights pertain to admission, money matters, government benefits, personal care, linen and laundry, furniture, security, medication, food, heat and air conditioning, mail, telephone usage, visitors, resident councils, evictions, temporary hospitalizations, making complaints, and moving out. The guide also lists organizations that can help adult home residents with legal issues concerning their residence.

Available From: Bazelon Center for Mental Health Law, 1101 15th Street, NW, Suite 1212, Washington, DC 20005-5002, (202) 467-5730, www.bazelon.org.

Order #: 348

Authors: Mort, G.

Title: **Establishing a Right to Shelter for the Homeless.**

Source: Brooklyn Law Review 50: 939-994, 1984. (Journal Article: 55 pages)

Abstract: This article focuses on three major legal strategies used in attempts to win judicial recognition of a right to shelter for homeless persons. It assesses flaws in each that undermine their prospects for producing a long-lasting, large-scale remedy to the problem of homelessness. It also suggests two alternative legal strategies that may represent the best legal weapons for spurring state action to alleviate the plight of the homeless. The first posits that those among the homeless who are "deinstitutionalized" mental patients have an entitlement -- an interest in a government benefit that enjoys due process protection -- to state-provided shelter. The second suggests the possibility that the deinstitutionalized homeless patients may find a remedy in tort theory (author

Legal Issues
Section: General Legal and Policy Issues

Order #: 1566

Authors: Moss, K.

Title: **Analysis: Implications of Employment Complaints Filed by People with Mental Disabilities.**

Source: Washington, DC: Mental Health Policy Resource Center, 1992. (Report: 28 pages)

Abstract: This study investigates the extent to which people with mental disabilities have filed administrative complaints under section 503 of the 1973 Rehabilitation Act and the extent to which they have benefited from doing so. Findings indicate that relatively few people with mental disabilities have filed complaints. The data reveal that it has been hard to enforce law under the Rehabilitation Act of 1973 in a way that assists people with mental disabilities. The author suggests that federal government agencies must find more effective ways of monitoring and enforcing the implementation of both the 1973 Rehabilitation Act and the Americans with Disabilities Act of 1990 (author).

Order #: 2047

Authors: National Association of Housing and Redevelopment Officials.

Title: **Policy Recommendations on Assistance for Homeless Persons.**

Source: Washington, DC: National Association of Housing and Redevelopment Officials, 1988. (Brochure: 20 pages)

Abstract: Arguing that the national, state and local governments should work together to combat homelessness, this booklet proposes how all three levels of government could better provide for the homeless population. The authors recommend the need for national and state legislation, new housing developments, more funds and the creation of a national food and shelter board.

Available From: National Association of Housing and Redevelopment Officials, 1320 Eighteenth Street, NW, Washington, DC 20036. (COST: \$31.50, includes resource book "Assistance for the Homeless Persons.")

Order #: 1557

Authors: National Housing Law Project.

Title: **Annotated Case Docket: Homelessness Litigation.**

Source: Oakland, CA: National Housing Law Project, 1989. (Report: 39 pages)

Abstract: This annotated case docket provides an overview of litigation on behalf of homeless people throughout the United States. Although many of the cases were brought in New York, New Jersey and California, a wide geographic range is represented. Sections focus on litigation challenging the failure to provide shelter to the homeless including cases relying on the Federal Social Security Act and cases relying on state statutes, state constitutions or challenging state actions. Other sections address challenges to adequacy of relief to homeless persons that examine level of aid issues, shelter conditions, failure to provide for children's education, treatment of the mentally ill, voting rights, involvement with the criminal justice system as well as other topics. The appendix provides referrals to legal advocates for the homeless in addition to legal services attorneys.

Available From: National Housing Law Project, 614 Grand Street, Suite 320, Oakland, CA 94610, (510) 251-9400, www.nhlp.org.

Legal Issues
Section: General Legal and Policy Issues

Order #: 2001

Authors: National Law Center on Homelessness and Poverty.

Title: **Beyond the McKinney Act: Policies to Prevent Homelessness.**

Source: Washington, DC: National Law Center on Homelessness and Poverty, 1993. (Report: 6 pages)

Abstract: This report outlines policies that go beyond those proposed in the Stewart B. McKinney Homeless Assistance Act (1987) to address ways to prevent homelessness from occurring. The policies proposed in this document include: the creation of housing, income support, education and jobs, and civil rights for the homeless.

Available From: National Law Center on Homelessness & Poverty, 1411 K Street NW, Suite 1400, Washington, DC 20005, (202) 638-2535, www.nlchp.org.

Order #: 12351

Authors: National Law Center on Homelessness and Poverty.

Title: **Advocating on Behalf of SSI Claimants: A Guide to Rights and Resources.**

Source: Washington, DC: National Law Center on Homelessness and Poverty, 2002. (Guide: 27 pages)

Abstract: This guide discusses many frequently asked questions about SSI claimants, including the application process, representing an SSI claimant, determining eligibility for SSI, eligibility based on immigration status, documentation of disability needed, the SSI appeals process, and receiving SSI benefits (authors).

Available From: National Law Center on Homelessness and Poverty, 1411 K Street, Suite 1400, Washington, DC 20005, (202) 638-2535, www.nlchp.org.

Order #: 12350

Authors: National Law Center on Homelessness and Poverty.

Title: **Advocating on Behalf of Food Stamp Claimants: A Guide to Rights and Resources.**

Source: Washington, DC: National Law Center on Homelessness and Poverty, 2002. (Guide: 27 pages)

Abstract: This guide discussed many frequently asked questions about a homeless applicant's rights under the Food Stamp Program, using food stamps, the application process, determining eligibility for food stamps, determining the benefit amount, food stamp work requirements, food stamp program certification and reporting, lost or stolen food stamps, and Food Stamp Program fair hearings. The guide also lists each state food stamp hotline (authors).

Available From: National Law Center on Homelessness and Poverty, 1411 K Street, Suite 1400, Washington, DC 20005, (202) 638-2535, www.nlchp.org.

Legal Issues
Section: General Legal and Policy Issues

Order #: 12875

Authors: National Law Center on Homelessness and Poverty.

Title: **Legal Strategies to End Homelessness: A Guide for Advocates.**

Source: Washington, DC: National Law Center on Homelessness and Poverty, 2003. (Guide: 200 pages)

Abstract: This guide is a collaborative effort by the National Law Center on Homelessness and Poverty (NLCHP) staff, and provides essential tools for lawyers, advocates, service providers and people who are homeless to learn about and assert their rights. Organized into four main parts: housing; income and public benefits; children and youth; and civil rights, this structure mirrors the main areas that must be addressed to prevent and end homelessness: affordable housing, adequate income and services, opportunities for youth and children, and protection of basic civil rights. Each of these areas must be addressed in any proposal for public policy and law reform; each must also be addressed in practical measures to provide concrete aid to homeless families and individuals. This book outlines legal protections available under existing law, and steps you can take to help your homeless clients now (authors).

Available From: National Law Center on Homelessness and Poverty, 1411 K Street NW, Suite 1400, Washington, DC 20005, (202) 638-2535, www.nlchp.org.

Order #: 5993

Authors: National Law Center on Homelessness and Poverty.

Title: **Voter Registration: The Legal Rights of Homeless People.**

Source: Washington, DC: National Law Center on Homelessness and Poverty, 1996. (Memo: 23 pages)

Abstract: This memorandum is designed to provide accurate and authoritative information concerning the legal rights of homeless people with respect to voter registration. Issues discussed include: states may not require residence in a "traditional" dwelling as a condition of voter registration; state mailing address requirements should be flexible to facilitate registration by homeless persons; state personal identification requirements must not be unnecessarily restrictive; states covered by the National Voter Registration Act (NVRA) must make the registration process more accessible; ability to meet state registration deadlines may be affected by voter mobility; and the NVRA restricts states' authority to remove names from registration lists.

Available From: National Law Center on Homelessness & Poverty, 1411 K Street NW, Suite 1400, Washington, DC 20005, (202) 638-2535, www.nlchp.org.

Order #: 1603

Authors: National Legal Aid and Defender Association.

Title: **Conference on the Legal Rights of Homeless People.**

Source: Berkeley, CA: National Legal Aid Defender Association, 1990. (Bibliography: 287 pages)

Abstract: This document is a compendium of case law and other legal materials pertaining to litigation on behalf of homeless persons, particularly in New York and New Jersey. A docket of litigation presented on behalf of homeless persons by the New York Legal Aid Society and an annotated bibliography on homeless families and children are included among the documents.

Legal Issues
Section: General Legal and Policy Issues

Order #: 12332

Authors: National Low Income Housing Coalition.

Title: 2003 Advocates' Guide to Housing & Community Development Policy.

Source: Washington, DC: National Low Income Housing Coalition, 2003. (Guide: 197 pages)

Abstract: This guide offers advocates a fresh perspective and up-to-the-moment information on the full array of issues and concerns of people who work on low income housing. This manual is intended to be useful in all manners of advocacy. Those who want to advocate on behalf of themselves or someone else to assert rights or navigate bureaucracies to access services will be able to use this guide to learn the status of the programs that they may or may not be able to rely on. Those who want to advocate for community change prefer to use this guide to help educate local leaders about housing and community development resources and challenges. Advocates who want to influence and improve regulations and rules that HUD and other federal agencies issue to govern housing and community development programs will find that this guide will inform their causes. This guide is used most frequently by people who want to change or improve federal laws that dictate housing and community development policy or who want to prevent Congress from harming programs that benefit low income people. What is on the horizon legislatively for all programs and proposals is an essential feature of this guide (authors).

Available From: National Low Income Housing Coalition, 1012 14th Street NW, Suite 610, Washington, DC 20005, (202) 662-1530, www.nlihc.org.

Order #: 2053

Authors: North Carolina Alliance For The Mentally Ill.

Title: Help for Consumers, Their Families and Friends.

Source: Raleigh, NC: North Carolina Alliance For The Mentally Ill, 1988. (Brochure: 29 pages)

Abstract: This booklet is a resource guide for persons with mental illness, their families and friends. Authored in part by a woman with a diagnosis of schizophrenia, it includes suggestions and tips on how families can help, what to do in a psychiatric emergency, and where to go for financial assistance. This booklet also explains the legal rights of people who have mental illnesses.

Available From: North Carolina Alliance For the Mentally Ill, 4900 Waters Edge Drive, Suite 170, Raleigh, NC 27606, (919) 859-2201 or (800) 451-9682. (COST: \$5.00)

Order #: 2050

Authors: Parker, D. L.

Title: Right to Shelter for the Homeless: The Use of Decision Analysis in Fashioning a Remedy.

Source: The Georgetown Law Journal 81:829-859, 1993. (Journal Article: 30 pages)

Abstract: This article proposes a structure for implementing court-based right-to-shelter determinations, on the assumption that the courts will continue to serve as an avenue through which right-to-shelter advocates will pursue the provision of shelter for the homeless. The author suggests a procedural approach by which courts can effectively provide the guidance implementing agencies need, without intruding upon the agencies' administrative functions. The author concludes that courts finding a statutory or constitutional right to shelter will find "multiattribute utility analysis" (MUA) to be a useful tool in guiding their deliberation and in structuring their judgment (author).

Legal Issues
Section: General Legal and Policy Issues

Order #: 73

Authors: Peele, R., Gross, B., Arons, B., Jafri, M.

Title: **The Legal System and the Homeless.**

Source: In Lamb, H.R. (ed.), *The Homeless Mentally Ill: A Task Force Report*. Washington, DC: American Psychiatric Press, 1984. (Book Chapter: 18 pages)

Abstract: This chapter in the APA Task Force Report reviews the effects of recent judicial decisions protecting the rights of the mentally ill. The authors describe several aspects of the judicial system which militate against caring humanely for homeless mentally ill individuals. They contend that right-to-treatment policies for some have decreased the availability of treatment for others, and that policies affirming a patient's right to refuse treatment are detrimental to the patient's health in many cases.

Order #: 2784

Authors: Perlin, M.L.

Title: **Deinstitutionalization, Homelessness, and the Role of Counsel: Deconstructing the Establishment Attacks.**

Source: New York, NY: New York Law School, UNDATED. (Report: 15 pages)

Abstract: The paper discusses homelessness in relation to deinstitutionalization through use of recent empirical research. Exploration of the role of lawyers and the legal system refutes common myths regarding blame of civil liberties attorneys for homelessness. Significant mental disability law cases are cited.

Order #: 6292

Authors: Practising Law Institute.

Title: **The Rights of the Homeless.**

Source: New York, NY: Practising Law Institute, 1992. (Book: 840 pages)

Abstract: This course handbook's primary function is to serve as an educational supplement to each program. It may also be used as a reference manual by attorneys and related professionals unable to attend the sessions. Contents include: establishing a right to housing, role of the courts, shelters, emergency shelter assistance, litigation, economic causes of homelessness, and major decisions on homelessness in New Jersey.

Order #: 2684

Authors: Quen, J.M.

Title: **Law and Psychiatry in America Over the Past 150 Years.**

Source: *Hospital and Community Psychiatry* 45(10): 1005-1010, 1994. (Journal Article: 6 pages)

Abstract: This article reviews the history of forensic psychiatry in the United States. According to the author, American forensic psychiatry was founded in 1838 with the publication of Isaac Ray's *Treatise on the Medical Jurisprudence of Insanity*. In the mid-1800s, asylum-based psychiatrists formulated model laws addressing involuntary commitment and debated the definition of mental illness for legal purposes. In the late 1800s, courts became interested in findings of brain pathology in insanity defense cases, and neurologists joined psychiatrists as expert witnesses. Beginning around 1950, increased judicial activism led to new standards for insanity in criminal cases, advances in the civil rights of persons with mental illnesses and refinements in the role of expert witnesses. In 1969, forensic psychiatrists established a professional organization, and board certification in the subspecialty began in 1979 (author).

Legal Issues
Section: General Legal and Policy Issues

Order #: 6725

Authors: Quinn, K.M.

Title: **Connecticut v. Mooney and Expectation of Privacy: The Double-Edged Sword of Advocacy for the Homeless.**

Source: Boston College Third World Law Journal 13(63): 87-119, 1993. (Journal Article: 33 pages)

Abstract: In granting an expectation of privacy to a homeless man, the Supreme Court of Connecticut broke new ground in defining the constitutional rights of the homeless in the case Connecticut v. Mooney. This case further defines Fourth Amendment protection as it establishes a theoretical right for the homeless to be free from unreasonable search and seizure. This article examines the facts upon which the court based its decision. The author explains the various analyses the court used to assess whether a reasonable expectation of privacy could be found, first by looking at the area that the defendant wished protected, and second by looking at the containers that the defendant desired protected. Other aspects discussed include: the rationale of the dissenting opinion in Mooney; the comparison and contrast of the majority opinion with the dissent; the perspective of homeless rights activists on the legal rights established by Mooney; anti-homeless legislation as a general trend; and current trends in establishing rights of the homeless. The author concludes that Mooney, although correctly decided, further indicates a turn in society's attitude toward the homeless, and that this turn will do more harm than good if society's recognition of homelessness and its conditions result in eventual indifference to its problems or in disillusionment in finding its solutions.

Order #: 359

Authors: Rhoden, N.K.

Title: **The Limits of Liberty: Deinstitutionalization, Homelessness, and Libertarian Theory.**

Source: Emory Law Journal 31(2): 375-440, 1982. (Journal Article: 65 pages)

Abstract: This article suggests that early advocates of deinstitutionalization harbored an idealized notion of "community" and tended to exaggerate the extent to which labeling a person mentally ill produces and perpetuates pathology. The article also suggests that many legal advocates of patients' rights shared these assumptions and coupled them with a skepticism about psychiatric diagnosis and treatment. Therefore, they focused far more heavily on obtaining liberty for patients than on seeking services for them. Since judicial decrees can grant rights against government infringement of liberty far more easily than they can establish positive entitlements to care and services, the result was that mental patients obtained their liberty, but at the expense of the community care they so desperately needed (author).

Order #: 3042

Authors: Riverside County Department of Mental Health.

Title: **Patients' Rights Advocacy: Welfare and Institutions Code.**

Source: Riverside, CA: Riverside County Department of Mental Health, UNDATED. (Report: 3 pages)

Abstract: This paper reviews the definition of patients rights advocacy within the mental health system and summarizes the California laws which protect patients' rights. According to the author, each county must assign a patients' rights advocate who is responsible for ensuring the statutory and constitutional rights of recipients of mental health services. Advocates may enter facilities to respond to and investigate patient complaints and to monitor for compliance with patients' rights. The law also prohibits discrimination or retaliation against a patient or employee because he/she has initiated or participated in filing a complaint or participated in an investigation.

Legal Issues
Section: General Legal and Policy Issues

Order #: 316

Authors: Scallet, L.

Title: **Protection and Advocacy Systems for People Receiving Mental Health Services.**

Source: Washington, DC: National Institute of Mental Health, 1987. (Report: 24 pages)

Abstract: This report summarizes current advocacy efforts available to people receiving mental health services, covering both federal initiatives and state actions. The "Protection and Advocacy for Mentally Ill Individuals Act of 1986" (P.L. 99-319) is reviewed. A bibliography is included.

Order #: 1634

Authors: Scallet, L.J., Marvelle, K., Davidson, L.

Title: **Protection and Advocacy for Mentally Ill Individuals: Legislative History and Analysis of P.L. 99-319.**

Source: Washington, DC: Mental Health Policy Resource Center, 1990. (Report: 50 pages)

Abstract: In response to the lack of rights protection for persons in the mental health system, Congress passed the Protection and Advocacy for Mentally Ill Individuals Act (PAMII, P.L. 99-319) in 1986. The Act expanded the role of existing developmental disabilities Protection and Advocacy systems by providing new funding to serve clients with mental illnesses. The first section of the report reviews and discusses the major provisions of the Act and analyzes the legislative intent. The second section discusses problem areas that have emerged during the implementation of the PAMII Act and beginning with a brief review of key organizations and then addressing specific areas of concern and proposals for change.

Order #: 6809

Authors: Schutz, E.

Title: **The Fourth Amendment Rights of the Homeless.**

Source: Fordham Law Review 60: 1003-1033, 1992. (Journal Article: 30 pages)

Abstract: This article explores the rights of homeless persons to be free from warrantless searches and seizures under the Fourth Amendment. The author argues that people who are homeless have this right under certain circumstances and proposes a test to determine when this protection is appropriate. A brief background on the history of the Fourth Amendment jurisprudence and the genesis of the word "search" show how the Fourth amendment doctrine has evolved historically from protecting solely rights based on property interests, to protecting reasonable expectations of privacy as set out by the Supreme Court in the case *Katz v. United States*. The author explores the cases that have focused on the Fourth Amendment rights of both homeless and non-homeless people in makeshift or temporary homes. It is suggested that there cannot be a categorical rule regarding the Fourth Amendment rights of the homeless. The article concludes that the Fourth Amendment rights of the homeless will often be influenced by the treatment of the homeless by the community in which they are located.

Legal Issues
Section: General Legal and Policy Issues

Order #: 6761

Authors: Sherburne, K.P.

Title: **Comment: The Judiciary and the Ad Hoc Development of a Legal Right to Shelter.**

Source: Harvard Journal of Law and Public Policy 12: 193-220, 1989. (Journal Article: 27 pages)

Abstract: This article assesses the ad hoc development of litigation aimed at establishing a right to shelter. Some of the causes of homelessness are surveyed and a multifaceted demography of the homeless population is examined. The author explores how, and in what context, parties to litigation have raised the issue of a right to shelter and presents the legal theories under which the right is asserted. Litigation subsequent to the establishment of a right, focusing both on the duty of the government to provide a certain standard of care and on the relation of the right to families and to homeless women, is discussed. Also discussed are the inherent problems of attempting to force a solution to homelessness in the courts. The author concludes that the proper scope of the judiciary's power does not include the ability to fashion such a legal right to shelter (author).

Order #: 353

Authors: Sommer, R., Osmond, H.

Title: **The Mentally Ill in the Eighties.**

Source: Orthomolecular Psychiatry 10(3): 193-201, 1981. (Journal Article: 9 pages)

Abstract: The authors review the judicial and social history of the patients' rights/deinstitutionalization movement. They discuss the growing number of mentally ill individuals living on the streets, in prisons and jails, as a result of deinstitutionalization policy. They recommend that "psychiatric reformers" direct their attention to mentally ill individuals who are homeless and/or diverted to the penal system.

Order #: 3003

Authors: Stoner, M.R.

Title: **The Civil Rights of Homeless People: Law, Social Policy, and Social Work Practice.**

Source: Hawthorne, NY: Aldine de Gruyter, 1995. (Book: 197 pages)

Abstract: This book examines the collaboration between the human services and legal professions in their work with homeless people. Surveying class action lawsuits on behalf of homeless individuals, the author takes up such issues as rights to housing, minimum standards of health and welfare, education, family preservation, voting, along with constitutional protection of personal freedom. The author also examines the efficacy of seeking judicial solutions to the social problems that confront society and comprise the major focus of social welfare practice and theory (author).

Available From: Aldine de Gruyter, 200 Saw Mill River Road, Hawthorne, NY 10532, (914) 747-0110. (COST: \$20.95) (ISBN 0-202-30514-7)

Order #: 3123

Authors: Sundram, C.J.

Title: **Implementation and Activities of Protection and Advocacy Programs for Persons With Mental Illness.**

Source: Psychiatric Services 46(7): 702-706, 1995. (Journal Article: 5 pages)

Abstract: In 1986, following public hearings, the United States Congress enacted a federal protection and advocacy grant program to enable states and territories to create independent protection and advocacy programs to investigate reports of abuse and neglect of persons with mental illness in residential facilities and to pursue legal, administrative, and other remedies on behalf of those persons. The author discusses implementation of the law and performance of the protection and advocacy agencies in the program's first six years. About 20,000 individuals were served by the program between 1991 and 1992. The largest category of complaints in those years concerned access to services (author).

Legal Issues
Section: General Legal and Policy Issues

Order #: 2883

Authors: Sundram, C.J.

Title: **Choice and Responsibility: Legal and Ethical Dilemmas in Services for Persons with Mental Disabilities**

Source: Albany, NY: New York State Commission on Quality of Care, 1994. (Book: 341 pages)

Abstract: A symposium on the topic of choice and responsibility concerning services for persons with mental illnesses was convened in Albany, New York in the spring of 1994. This monograph contains edited papers and case studies from the symposium. The papers presented focus on clinical and legal parameters of choice-making in different service and daily living areas, while practical case studies, drawn from the experiences of service providers and the New York State Commissions on Quality of Care, raise the issues from the frontlines of service delivery (authors).

Available From: New York State Commission on Quality of Care, 401 State Street, Schenectady, NY 12305, (800) 624-4143, www.cqc.state.ny.us.

Order #: 2460

Authors: Trinity, F.R.

Title: **Shutting the Shelter Doors: Homeless Families in the Nation's Capital.**

Source: Stetson Law Review 23(2): 401-428, 1994. (Journal Article: 27 pages)

Abstract: This article documents the efforts of homeless families in Washington, D.C., to obtain emergency shelter through legal action. According to the author, from 1986 to 1990, the number of homeless families entering the District of Columbia's shelter system increased by approximately 400%, yet the District made deep cuts in its shelter budget. Because of this and other legalities, the District required homeless families to provide the intake personnel with exhaustive documentation of their eligibility for shelter. This meant that many families were turned away. In an effort to break the impasse at the family shelter intake office, in August 1992 homeless families and advocates filed a class action lawsuit in federal district court. The complaint alleged violations of a host of rights set forth in federal and local statutes, as well as rights protected by the United States Constitution. As a result, previous erroneous denials of shelter were reversed through administrative appeals, while other mishandlings of applications were corrected through informal advocacy. However, despite the class action law suit, many homeless families are still denied shelter in the District of Columbia (author).

Order #: 1727

Authors: United States General Accounting Office.

Title: **Homelessness: HUD's Interpretation of Homeless Excludes Previously Served Groups.**

Source: Washington, DC: U.S. General Accounting Office, 1992. (Report: 14 pages)

Abstract: This report reviews the Department of Housing and Urban Development's (HUD) interpretation of the McKinney Act's definition of homeless. The McKinney Act initially authorized 20 programs to assist the homeless, and HUD is responsible for administering five of these programs. According to some homeless assistance providers, for purposes of determining eligibility for HUD's McKinney programs, HUD has narrowed the definition to include persons living only on the street or in shelters. This report provides information on (1) HUD's interpretation of the definition of homeless; (2) ambiguities in HUD's definition of homeless; and (3) the effects of this interpretation on persons who are deinstitutionalized, living doubled up, and living without accommodations in rural areas (authors).

Available From: U.S. General Accounting Office, 441 G Street NW, Washington, DC 20548, (202) 512-4800, www.gao.gov.

Legal Issues
Section: General Legal and Policy Issues

Order #: 1423

Authors: Waldron, J.

Title: Homelessness and the Issue of Freedom.

Source: UCLA Law Review 39: 295-324, 1991. (Journal Article: 30 pages)

Abstract: In this article the author explores the relationship between homelessness, the rules of public and private property, and the underlying freedom of those who are condemned by poverty to walk the streets and sleep in the open. The author focuses on the fundamental question of legal and moral philosophy: how should we think about homelessness, how should we conceive of it, in relation to a value like freedom? Some of the most fundamental and abstract principles of liberal value are at stake in any discussion of homelessness (author).

Order #: 2855

Authors: Weisz, V.G.

Title: Children and Adolescents in Need: A Legal Primer for the Helping Professional.

Source: Thousand Oaks, CA: Sage Publications, Inc., 1995. (Book: 281 pages)

Abstract: How children and others with special developmental needs are served legally by public and private agencies is the subject of this book. Legal principles, statutes, and case law that shapes decisions so influential in the lives of children and adolescents in need of services in relation to the community systems that serve them are examined. Case studies are cited in subsequent chapters to illustrate legal foundations of children's law that come into focus when family breakdown or other circumstances place the child within the sphere of one or more community legal systems.

Available From: Sage Publications, Inc., 2455 Teller Road, Thousand Oaks, CA 91320, (805) 499-0721. (COST: \$19.95)

Order #: 6743

Authors: Whitfield, J.H.

Title: A Guide to Finding A Right to Shelter for the Homeless.

Source: Mississippi College Law Review 9: 295-316, 1989. (Journal Article: 12 pages)

Abstract: The purpose of this article is to serve as a general guide to advocates for the homeless. The author provides advocates with the necessary information to begin the task of finding and articulating a right to shelter for the homeless. Three key areas in which the advocates should concentrate are described: (1) federal statutory enactments; (2) state constitutional provisions; and (3) state statutory enactments.

Order #: 1166

Authors: Williams, T., Dover, B., Freestone, T., Echeveste, A.

Title: The Blueprint: Implementing Services to the Seriously Mentally Ill.

Source: Phoenix, AZ: Arizona Department of Health Services and Maricopa County Board of Supervisors, undated. (Report: 87 pages)

Abstract: This report is the result of a class action suit brought against Maricopa County in December 1982. The plaintiff class consisted of those persons who: (1) were residents of Maricopa County, Ariz.; (2) were indigent; (3) were chronically mentally ill; and (4) would reasonably benefit from appropriate treatment due to their illness. The report intended to ensure that, by September 30, 1995, the Court's Judgment of August 1, 1986 is fully implemented and a comprehensive community mental health system for class members is established.

Available From: Arizona Department of Health Services, Division of Behavioral Health Services, 1740 West Adams, Phoenix, AZ 85007, (602) 542-1000, www.hs.state.az.us.

Legal Issues
Section: General Legal and Policy Issues

Order #: 2649

Authors: Wohl, A.

Title: Gimme Shelter: Lawyering for the Homeless.

Source: ABA Journal: August 1990. (Journal Article: 4 pages)

Abstract: According to author, homelessness is a nationwide problem and represents one of this country's greatest and most visible tragedies. The author contends that lawyers, who are often perceived as having at least the theoretical ability to manipulate our system of laws, seem to be an appropriate group to take on the task of protecting these individuals' rights and liberties. In the last decade, legal advocates for the homeless have begun to challenge the most visible manifestations of homelessness and, to a certain degree, some of its underlying causes (author).

Order #: 3270

Authors: World Health Organization.

Title: Is the Law Fair to the Disabled? A European Survey.

Source: Geneva, Switzerland: World Health Organization, 1990. (Book: 354 pages)

Abstract: This book describes a survey conducted by the World Health Organization (WHO) to evaluate progress in health and social legislation for disabled persons in the European Region since the International Year of Disabled Persons in 1981. Examples of positive and negative development concerning legislation for disabled persons are described for each of the 25 participating European Nations. In addition, further legislative strategies envisioned by Member States in the spirit of the World Programme of Action concerning disabled persons are discussed (authors). AVAILABLE FROM: WHO Publications Center USA, 49 Sheridan Ave., Albany, NY 12210, (518) 436-9686. (COST: \$36.00)